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THESIS

**WITHIN THE WALLS: AN ANALYSIS OF SEXUAL
HARASSMENT AND SEXUAL COERCION AT NAVAL
CONSOLIDATED BRIG MIRAMAR**

by

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September 2006

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SEXUAL COERCION AT NAVAL CONSOLIDATED BRIG MIRAMAR**

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ABSTRACT

This thesis explores sexual harassment and sexual coercion among prisoners and staff at Naval Consolidated Brig (NAVCONBRIG) Miramar, per the request of the Commanding Officer, NAVCONBRIG Miramar. The data come from two surveys (one for staff and one for prisoners), which were administered in June and August 2006. This thesis begins with a review of relevant literature, a discussion of reporting procedures, and an overview of the fear of reprisal. We compare rates of sexual harassment and coercion experienced by the staff and prisoners, as well as perceptions of the percentage of prisoners who experience sexual harassment and coercion, as estimated by the staff and prisoners. Findings are compared with studies conducted in civilian prisons in 1996 and 2000. Write-in responses provide insight regarding what the staff and prisoners believe constitutes sexual harassment, ways to prevent sexual harassment at the facility, and actual incidents of sexual harassment and/or coercion experienced while in a prison. Compared to the civilian prisons, NAVCONBRIG Miramar prisoners experience lower rates of sexual harassment than all but one facility. The rate of sexual coercion reported by prisoners is approximately equal to what was reported by all military prison facilities. (U.S. DOJ, 2005b)

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ACRONYMS / ABBREVIATIONS

ACA	American Correctional Association
BOP	Bureau of Prisons
CDO	Command Duty Officer
CFR	Code of Federal Regulations
DOD	Department of Defense
DODD	Department of Defense Directive
DOJ	Department of Justice
DON	Department of the Navy
EEOC	Equal Employment Opportunity Commission
EO	Equal Opportunity
GAO	Government Accounting Office
NAVCONBRIG	Naval Consolidated Brig
HIV	Human Immunodeficiency Virus
NEOSH	Navy Equal Opportunity / Sexual Harassment
NIC	National Institute of Corrections
NICIC	National Institute of Corrections Information Center
NPS	Naval Postgraduate School
OIG	Office of the Inspector General
PREA	Prisoner Rape Elimination Act
SECNAVINST	Secretary of the Navy Instruction
SOP	Standard Operating Procedure
USMSPB	United States Merit Systems Protection Board

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I. INTRODUCTION

A. INTRODUCTION

Naval brig currently use the same sexual harassment policy as other naval commands; however, the prison environment is particularly unique in terms of sexual harassment and sexual misconduct. According to Federal Law (18 U.S. Code § 2241, 2243 and 2244), a consensual sexual relationship between prisoners and prison staff is considered rape. However, the Department of the Navy (DoN) instruction regarding sexual harassment (Secretary of the Navy Instruction (SECNAVINST) 5300.26D) makes no mention of this particular situation. It is therefore, left to the individual institution to develop Standard Operating Procedures (SOPs) that develop specific processes for managing sexual harassment cases that take place in a military prison environment.

The naval brig atmosphere differs greatly from other commands in terms of sexual harassment issues, and the sexual harassment training should differ as well. Prison sexual harassment issues are particularly distinctive in that these issues could include harassment involving prisoners and prisoners, harassment involving prisoners and staff, or harassment involving staff and staff. The differences in the charges involved make this area of research particularly challenging. For instance, a consensual sexual relationship involving two or more prisoners is merely a violation of a SOP, whereas such a relationship among prisoners and staff is illegal according to federal law. Naval Consolidated Brig Miramar (NAVCONBRIG) SOP 308 also emphasizes the prohibition of staff and prisoner relationships. Specifically, “there is no such thing as consensual sexual behavior between staff and prisoners/detainees.” (NAVCONBRIG SOP 308, 2006, p.2)

The prison environment may lead to greater incidents of sexual harassment, when compared to non-prison facilities. Although Navy brig report fewer occurrences of sexual harassment than civilian prisons (U.S. DOJ, 2005b), it is nevertheless startling that civilian prisons and jails testify that as many as 22 percent of male inmates reported being sexually harassed at some point during their incarceration. (Center for Effective Public Policy, 2004)

Since SECNAVINST 5300.26D makes no mention of the distinctive relationships that take place in a prison environment, briggs must rely on command-originated SOPs to ensure any deficiencies are given adequate attention. Further, it is possible that prisoners and prison staff do not receive a proper indoctrination as to what the harassment policies of the prison are. Moreover, similar to many civilian prisons, prisoners may feel reluctant to report incidents of sexual harassment for fear of reprisal. Therefore, it is likely that a great number of sexual harassment incidents that go unreported. Finally, previous research shows that among those cases that were reported, much of the disclosure of the act was reported to individuals who were not correctional staff. Instead, the incident was merely discussed with close friends or other individuals who could do little to resolve the situation. (Center for Effective Public Policy, 2004)

There is an alarming trend regarding the types of crimes that military members are committing, both for which they became incarcerated, and while they are incarcerated. The most common offenses during the 1970s, and during times of war, were offenses relating to desertion and absent without leave. During the 1980s and 1990s, offenses became more violent and began to closely mirror civilian crimes. By the end of 2002, rape was the most common offense committed by military inmates. Furthermore, “military inmates confined for drug offenses dropped to 28 percent [from as high as 43 percent during the 1990s], while the number of violent offenders rose to 44 percent of the population.” (Haasenritter, 2003, p.1) In short, military personnel are being imprisoned for more violent crimes at a higher rate than in the past; once in prison, they are more likely to commit acts of sexual violence.

We concentrated our research on NAVCONBRIG Miramar, due to the request of the brig’s Commanding Officer that we analyze sexual harassment policies within Navy briggs. NAVCONBRIG Miramar is one of two consolidated military briggs (the other being in Charleston, South Carolina), and also serves as the Department of Defense (DoD) Pacific area’s regional confinement facility and the Navy’s primary women’s confinement facility.

B. BACKGROUND

Congress established military corrections in 1873 with the plans to construct the U.S. Disciplinary Barracks, Fort Leavenworth, Kansas. Fort Leavenworth was completed in 1875 and was originally allocated as the sole U.S. military prison. Congress sought to institute an accredited facility that could imprison and possibly rehabilitate inmates of the military. From these somewhat humble beginnings, over the years the military correctional system has demonstrated “flexibility and ingenuity that has helped maintain military discipline, protect society and rehabilitate offenders, while providing a standard for civilian correctional facilities.” (Haasenritter, 2003, p.1)

Prior to incarcerating service-members in Fort Leavenworth, the military relied on discipline through corporal punishment or public humiliation in hopes of deterring further crimes and maintaining rigorousness. Some early punishments are still used today, such as forfeiture of pay and allowances, confinement, bread and water, and even the death penalty. The Supreme Court banned arcane punishments such as keelhauling, flogging and branding because they violated Eighth Amendment rights and were considered unjust punishments. (Haasenritter, 2003, p.1)

Military corrections often mirrored civilian attitudes towards transgressions and their punishments. Service members were usually incarcerated in state prisons or military bulwarks. These structures were similar to civilian jails and were usually in poor physical condition. Further, they were often designed mainly for punishment and were rarely geared toward rehabilitative efforts. This type of confinement often resulted in rampant mistreatment and extremely limited management of inmates. By contrast, the 59 military confinement facilities of today are organized in a three-tier arrangement (displayed in Figure 1) that is designed to detain or imprison inmates based on the length of their sentence, location of the prison and specific treatment programs. The objective of these facilities is “to develop inmates so that they are successfully prepared to return to active military service or the civilian community.” (Haasenritter, 2003, p.1)

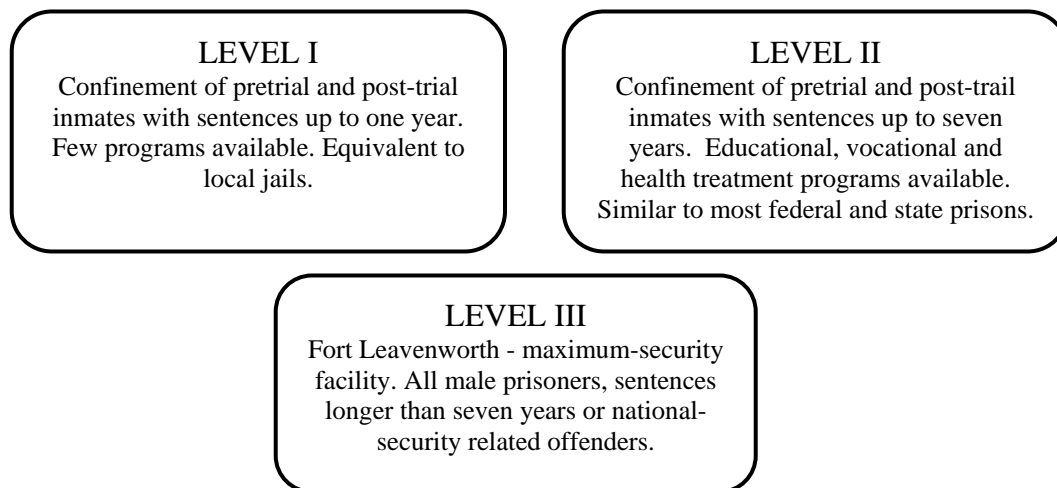


Figure 1. Military Prison Tier System

Source: Haasenritter, 2003

The three-tier brig system was recommended by a study approved in August 1985. This study was titled Navy Disciplinary System Study and was performed by two consulting firms specializing in criminal justice. The study evaluated the Navy's disciplinary system in whole and "brought Navy corrections into the spotlight and greatly assisted in getting the necessary support with the Navy, Department of Defense and Congress to support a complete revamping of the Navy corrections system." (NAVCONBRIG Miramar Website, 2006) After the three-tier system was approved, Navy corrections were inspired with a new dedication toward promoting an effectual rehabilitation program that helps those who are eventually separated to become productive citizens. (Haasenritter, 2003, p.1)

Since Fort Leavenworth does not house pretrial inmates, its focus is largely on punishment and rehabilitation. Like other military prisons, it contains rehabilitative programs that include counseling and mentoring services, anger and stress management programs, substance abuse programs and sex offender evaluation and treatment. NAVCONBRIG Miramar maintains a specialized sex offender curriculum and is the only facility that houses females. This is done to regulate treatment and to consolidate space and resources. Security personnel at Navy facilities consist mainly of enlisted personnel who undergo screening and training prior to becoming guards at the prison. Besides the

corps of enlisted personnel assigned to Navy brig, there is also a group of civilian personnel. These civilians “provide a long-term continuity and expertise” to a facility that otherwise sees a constant rotation of its workforce. (Haasenritter, 2003, p.1)

NAVCONBRIG Miramar was commissioned in July of 1989 and began incarcerating prisoners in October of the same year. In 1993, it was accredited by the American Correctional Association, which is the “only accreditation agency for adult and juvenile correctional facilities.” (NAVCONBRIG Miramar Website, 2006) The brig’s functions include classifying prisoners for possible return to active duty military service, providing resources that permit detainees to serve sentences and accomplish individual responsibilities and operating training programs that comprise sexual offender treatment and group counseling.

Major General Donald J. Ryder, Commanding General, U.S. Army Criminal Investigation Command, stressed the importance of all DoD Corrections System commands and their ability to either return the prisoner to active service or rehabilitate them so that they may become productive members of society. He stated that this mission is especially important in the midst of ever-reaching overseas obligations supporting the war on terrorism:

[t]he Department of Corrections System continues to meet its responsibility to hold members of the armed forces in pretrial confinement or incarcerate those who have been sentenced to confinement by courts-martial. Consistent with Title 10 and our *Manual for Courts-Martial*, the military takes seriously its responsibility to provide programs for work, education, training, rehabilitation, and clemency and parole. If a military service member is not returned to duty, we are committed to releasing that individual from military custody as a productive, law-abiding citizen. (Ryder, 2003, p.8)

NAVCONBRIG Miramar emphasizes the Navy corrections’ mission of returning as many personnel to honorable service as possible or returning them to life as productive citizens. Explicitly, the mission statement is as follows:

[t]o ensure administration, security, good order, discipline, and safety of prisoners and detained personnel from all military services; to retrain and restore maximum number of personnel to honorable service; to prepare remaining prisoners for return to civilian life as productive citizens. (BUPERSINST 5450.47B, 2001, Enclosure 1)

C. NAVCONBRIG MIRAMAR SEXUAL HARASSMENT TRAINING PROCEDURES

NAVCONBRIG SOP 603, Orientation, explains NAVCONBRIG Miramar's procedures for indoctrinating new prisoners. In accordance with American Correctional Association Standards 4-4285 to 4-4290, which set facility operations standards, new prisoners are to be instructed on sexual harassment within four weeks of arrival. NAVCONBRIG Miramar accomplishes this in an orientation program that also includes training on clinical services, prisoner management and chaplain's programs. The sexual harassment portion of orientation involves a thorough brief that is outlined in the following paragraphs.

First, new prisoners are given an explanation of sexual misconduct, which is defined by NAVCONBRIG Miramar as "any behavior or act of a sexual nature directed towards a prisoner/detainee by an employee, volunteer, visitor, contractor, agency, representative, or another prisoner/detainee." (NAVCONBRIG Miramar Sexual Misconduct for Prisoners and Detainees Orientation Brief, n.d.) Emphasis is placed on the notion that sexual misconduct constitutes a wide range of behaviors that are associated more with an exercise of power than to an actual sexual act. During this brief, sexual misconduct is comprised of acts or attempts to commit acts such as sexual harassment, assault and abuse.

Second, new prisoners are presented with several situations that may be construed as sexual misconduct. They are told that sexual misconduct may include "conversation or correspondence that suggests or solicits an intimate or personal relationship between staff and prisoner/detainee, or between prisoners/detainees." (NAVCONBRIG Miramar Sexual Misconduct for Prisoners and Detainees Orientation Brief, n.d.) Furthermore, new prisoners are briefed that sexual misconduct also involves using sexuality to solicit favors and that it is strictly prohibited.

They are also told that sexual misconduct must meet three criteria:

- The conduct must be unwelcome
- The conduct must be sexual in nature
- The conduct must occur in or impact the prisoner's working and living environment

(NAVCONBRIG Miramar Sexual Misconduct for Prisoners and Detainees Orientation Brief, n.d.)

Prisoners are also briefed that even though not all touching is considered sexual in nature, the brig maintains a rule which prohibits physical contact between prisoners, sexual or otherwise. New prisoners are then given two ways in which to address sexual misconduct should it happen to them. These methods of address are an informal resolution or filing a formal grievance. These are explained further in Chapter III.

Finally, newly arriving prisoners are presented with reasoning that explains how sexual misconduct has a negative impact on NAVCONBRIG:

Sexual misconduct has a negative impact on the morale of the brig. It also creates a hostile environment, leading to poor judgment of the victims, putting the safety and security of staff and prisoner/detainee at serious risk. (NAVCONBRIG Miramar Sexual Misconduct for Prisoners and Detainees Orientation Brief, n.d.)

Prisoners are then told that there are severe ramifications for those that commit sexual misconduct. Staff may receive Commanding Officer's Mast and/or trial by court martial. Prisoners may receive review before a Command Disciplinary and Adjustment Board, which includes forfeiture of any good conduct time and disciplinary segregation, Commanding Officer's Mast, and/or trial by court martial. (NAVCONBRIG Miramar Sexual Misconduct for Prisoners and Detainees Orientation Brief, n.d)

D. THESIS

In this thesis, we attempt to develop recommendations for U.S. Navy sexual harassment policy used in naval brigs. We examine, through survey data collection, differences in sexual harassment definitions between staff and prisoners. We also examine what staff and prisoners feel constitutes an act of such harassment. We further investigate the differences in how often prisoners and staff believe that sexual harassment

occurs, how often it is reported, and whether or not it can be reported without fear of retaliation.

The first portion of our thesis (Chapter II) introduces literature on sexual harassment and sexual misconduct that takes place in a prison environment. This section also presents research that has previously been done to determine the likelihood that a prisoner might become a victim of some sort of sexual harassment. Moreover, this segment of our thesis introduces differences and similarities that exist between incidents of sexual harassment among civilian facilities and naval prisons. In Chapter III, we investigate the current sexual harassment reporting procedures used at NAVCONBRIG and introduce procedures that may be used at other facilities, both military and civilian.

Chapter IV introduces the likelihood that many cases of sexual harassment may go unreported because of fear of reprisal or retaliation. We use the Prison Rape Elimination Act of 2003 as a basis for this aspect of our research and then determine how it may be used to relate to the military prison environment. We also explore the estimated percentage of sexual harassment cases that may go unreported and determine the reasons for unreported cases. Finally, we explore how the reporting procedures for cases of sexual harassment and sexual harassment training may relate to these reasons for under-reporting.

In Chapters V and VI, we examine many aspects of sexual harassment and demographic data by introducing, discussing and analyzing surveys that were conducted during our research. These surveys were developed using existing research conducted by Struckman-Johnson and Struckman-Johnson (2000, 2002). This prior research allowed us to use a civilian metric by which military facilities might be measured and compared. We use the data collected by these surveys to determine knowledge of sexual harassment, frequency of training on sexual harassment, number of incidents of sexual harassment and identification of factors that may lead to sexual harassment.

Chapter VII explores practices used at civilian institutions that have proven to be successful at lowering cases of sexual harassment and determining how these institutions' practices may relate to military environments. The purpose of this portion of the thesis is to aid in the understanding of ways to control or perhaps eliminate future cases of sexual

harassment. Examples of these practices are: identification of demographic factors that may lead to sexual harassment perpetration or victimization, separation of potential sexual harassment victims from the general population and education on sexual harassment reporting policies and procedures. This section also compares Navy prison facilities population statistics, including numbers incarcerated and crime for which incarcerated, with the civilian sector. Comparisons of these population statistics allow us to demonstrate how the DoD continues to report the lowest prison capacity in terms of percentage of capacity used and relate this to NAVCONBRIG Miramar's relatively low numbers of prison sexual harassment cases.

The final segment of our thesis synthesizes all of our findings and provides recommendations for sexual harassment training and follow-on study. It also finalizes the evaluation of current sexual harassment training procedures that take place at Navy prison facilities. Finally, it further analyzes how best to incorporate civilian prison facilities' "best practices" into the Navy brig environment.

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II. BACKGROUND / LITERATURE REVIEW

A. INTRODUCTION

A growing body of research shows that sexual harassment exists both in the civilian sector organizations as well as in the military (e.g., EEOC Notice N-915-050, 1990; Rosenfeld, Newell & Le, 1998; Fitzgerald, Drasgow & Magley, 1999.) Moreover, there is a growing body of social science research regarding sexual harassment and sexual coercion in the civilian prison systems. In a report titled “Women in Prison: Sexual Misconduct by Correctional Staff,” the General Accounting Office noted:

Staff-on-inmate sexual misconduct can cover a wide range of inappropriate verbal, visual, and physical behaviors, such as lewd language or making sexual remarks, observing an inmate’s personal activities (e.g., showering) without a sound penological reason, and engaging in sexual contact or acts with or without an inmate’s consent (e.g., touching, kissing, abuse or assault, intercourse, rape, etc.) (1999a, p.1)

Sexual harassment in a prison environment (which is included in the larger heading of sexual misconduct) differs from sexual harassment in the general workplace due to the special relationship that exists between prisoners and staff members. Whereas two adults in a traditional work environment might decide to have a sexual relationship, this is not possible in a prison environment. The imbalance of power that exists between prisoners and staff members precludes a consensual relationship. As such, this relationship is treated as misconduct because it can “jeopardize the integrity and credibility of the institution (and other correctional institutions by association), create a hostile work environment, victimize people who are already vulnerable by virtue of their current situation, and violate various laws.” (Layman, McCambell & Fischer, 2004, p.6)

To examine the damage that sexual harassment and sexual coercion can cause in the confined environment of a prison, we will first look at sexual harassment policies and their legal basis in the traditional civilian workforce, including prevention methods and avenues of redress. We then look at the DoN’s sexual harassment policies and examine the impact that sexual harassment has on the military. Once we understand the greater military picture, we examine sexual harassment policies that are specific to

NAVCONBRIG. We then cover sexual harassment and sexual coercion in civilian prisons. Once we examine the effects of sexual harassment and sexual coercion in military and civilian prisons, we cover the laws that govern sexual misconduct in prisons. Finally, we examine inmate and staff relations, looking at the issues that may be the basis for potential problems. Overall all, in this chapter we review both current research and relevant laws to ensure that the reader has a proper understanding of the problems associated with sexual harassment and sexual coercion in the prison environment, as well as the ramifications of such actions. The best way to ensure such an understanding is to start with civilian sexual harassment policies and then work our way toward naval brig sexual harassment policies.

B. CIVILIAN SEXUAL HARASSMENT POLICY

Sexual harassment can occur in a variety of circumstances. Regardless of whether the victim is a man or a woman, the effects can be devastating for the individual as well as the workforce as a whole. Moreover, a person suffering from the effects of sexual harassment does not have to be the person who was harassed. Rather, the victim can be anyone who suffers from the offensive conduct, such as an individual who observes the harassment of a coworker. The basis for determining whether behaviors constitute sexual harassment stems from Title VII of the Civil Rights Act of 1964.

1. Federal Regulations

Title VII applies to employers with 15 or more employees, including state, local, and federal governments, employment agencies and labor organizations. Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a) provides:

It shall be an unlawful employment practice for an employer ... to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms conditions or privileges of employment, because of such individual's race, color, religion, sex, or national origin[.]

The Equal Employment Opportunity Commission determined, in 1980, that sexual harassment is a violation of Section 703 of Title VII. This is codified in Title 29 of the Code of Federal Regulations (CFR) Part 1604:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made wither explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

All acts of a sexual nature in the workplace are not considered harassment. They must constitute unwelcome behaviors. The two types of behavior most commonly cited are "quid pro quo" and "hostile environment." Employers are charged with ensuring that the workplace is free from sexual harassment. They are charged with the responsibility to set guidelines to prevent sexual harassment, and employees are required to follow them. Once harassing behaviors are brought to employers' or supervisors' attention, they are required to take appropriate corrective actions. Employers who do not take measures to address and/or prevent sexual harassment in the workplace can be fined by the Equal Employment Opportunity Commission (EEOC).

2. Equal Employment Opportunity Commission

The EEOC was created as part of Title VII of the Civil Rights Act of 1964. The commission initially received, investigated and reconciled complaints of discrimination. If complainants were not satisfied with the measures that the EEOC took, they were free to bring private lawsuits. If the EEOC found a pattern of discrimination, they could refer the matter to the Department of Justice for prosecution. (EEOC, 2004) As it was created, the EEOC jurisdiction was quite limited. In fact, it was seen as a weak institution by many because it lacked enforcement powers. Congress amended the EEOC's powers in 1972 with the Equal Employment Opportunity Act. The Commission received litigation authority and expanded jurisdiction. The EEOC's jurisdiction further expanded over the next few decades, moving from private sector enforcement to public sector as well. (EEOC, 2004)

In its attempts to ensure compliance with various EEO regulations and guidelines, the EEOC can negotiate and settle a complaint, often through mediation, or oppose a defendant in court. (Mathis and Jackson, 2006) In fiscal year 2004, EEOC resolved

12,859 charges of sexual harassment, recovering \$47.9 million in monetary benefits for charging and aggrieved parties, not including other benefits obtained through outside litigation. (EEOC, 2006) The next section discusses several important sexual harassment court cases.

3. Court Findings

Federal courts have heard many cases in the area of sexual harassment. In *Meritor Savings Bank v. Vinson*, 106 S. Ct. 2399, 40 EPD ¶ 36,159 (1986), the Supreme Court emphasized that conduct must be ‘unwelcome,’ and that inquiries should not focus on the ‘voluntariness’ of a victim to participate. Three key items arose from this case: (1) Hostile environment must have violated Title VII, (2) Conduct must have been unwelcome, and (3) Employer liability must have been established under agency [EEOC] principles. The Supreme Court rejected a lower court’s finding that employers are automatically liable if a supervisor is perpetrating the harassment. (EEOC N-915-050, 1990)

Employer liability was clarified by the Supreme Court’s decisions in *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998), and *Faragher v. City of Boca Raton*, 118 S. Ct. 2275 (1998):

The Supreme Court made clear that employers are subject to vicarious liability for unlawful harassment by supervisors. The standard of liability set forth in these decisions is premised on two principles: 1) an employer is responsible for the acts of its supervisors, and 2) employers should be encouraged to prevent harassment and employees should be encouraged to avoid or limit the harm from harassment. In order to accommodate these principles, the Court held that an employer is always liable for a supervisor's harassment if it culminates in a tangible employment action. However, if it does not, the employer may be able to avoid liability or limit damages by establishing an affirmative defense that includes two necessary elements:

- (a) the employer exercised reasonable care to prevent and correct promptly any harassing behavior, and
- (b) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. (EEOC N915.002, 1999, p.4)

The findings in these two cases emphasize that employers need to take all necessary steps to prevent harassment. Title 29 CFR Part 1604 codifies this point stating: “with respect to the conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct.” To that end, prevention is essential.

4. Prevention

The EEOC encourages employers to take all prudent steps to prevent sexual harassment from occurring in the workplace. Employers should broach the subject with their employees and ensure that everyone realizes sexual harassment will not be tolerated. Furthermore, they should develop policies to delineate the repercussions for such actions, as well as inform their staff about how to report harassment and grievance procedures. Early, preventive measures can go a long way in stemming the conduct and effects of sexual harassment in the workplace.

Sexual harassment policies are only effective if all employees are aware of the organization’s policies and grievance procedures. Organizations should provide employees ample access to training and document all such sessions. The training should increase the employees’ awareness of sexual harassment and present strategies for intervention. This training can be developed internally by the organization, or contracted out to another establishment. It can be administered in the classroom or via electronic means, such as self-paced online courses. Regardless of the source of training, it must achieve the desired result: prevention of sexual harassment in the workplace. (Brown, 1999) However, if preventive procedures do not exist, or if they fail, employees must have avenues available to address their harassers.

5. Grievance Procedures

Organizations are encouraged to develop grievance procedures to handle harassment complaints. “Internal grievance procedures may save time, emotional and financial expense, and be more sensitive to all persons.” (Brown, 1999, p.1) Grievance procedures must delineate the steps for submitting a complaint, whether formal or informal, and the procedures that will be taken. The person charged with receiving grievance complaints should be expressly noted to ensure there will be no confusion for

the employees. Furthermore, the steps that will be taken once the policy has been submitted must also be explained. Regardless of the nature of the organization, whether public or private, the existence of sexual harassment in the workplace is counter-productive and potentially damaging to long-term success. Federal laws dictate that organizations must take corrective actions to stem sexual harassment in the workplace. This is as true for the military as it is for civilians.

C. U.S. NAVY SEXUAL HARASSMENT POLICY

The Navy's core values are honor, courage, and commitment. Each member of the Navy team is expected to abide by those values in his/her everyday interactions. "All members are entitled to be treated fairly, with dignity and respect, and must be allowed to work in an environment free of unlawful discrimination." (SECNAVINST 5300.26D, 2006, p.2) To do otherwise is contrary to Navy policy and inhibits productivity and readiness. The Navy bases its policies and procedures on larger DoD requirements.

1. Regulations

Navy sexual harassment policy is based on the DoD policy. In DoD Directive (DODD) 1350.2, the military's stance against sexual harassment is clearly stated:

Sexual harassment [is] a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or (2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. (p.20)

In the military environment, the workplace is not confined by an office building or a specific location. Because of the unique situation facing military members, who are on call 24 hours a day, the workplace is expanded to include both on-duty and off-duty conduct. The Navy is especially mindful of this distinction, because in many cases, a person's work environment is the same as their home environment, as is the case of personnel assigned to ships.

Sexual harassment is not limited to senior-subordinate relations, although that may be the most commonly perceived situation. Sexual harassment can exist across rank or gender, and can also occur among persons of the same gender. The DoD definition of sexual harassment was expanded to include persons in a supervisory position who condone sexually harassing behaviors, even if they do not take such actions themselves. Other unacceptable behaviors are expressed:

Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment. (DODD 1350.2, 1995, p.20; DODD 1440.1, 1987, p.18)

To combat sexual harassment, the Navy instituted a three-tier system, using a stoplight as a visual aid, to explain the range of behaviors. The first tier, or green zone behavior, is not sexual harassment. This can include normal social interaction or military counseling, (to include professionally-related comments regarding a person's appearance). The second tier, or yellow zone behavior, includes behaviors that many people would find unacceptable, and could be considered sexual harassment. Included in this zone are such behaviors such as lewd comments, whistling, suggestive materials (posters, calendars, etc.) or sexually suggestive comments or touching. The third tier, or red zone behavior, is sexual harassment. This ranges from demanding sexual favors in return for rewards, or threats if not provided, to sexual assault. Understanding the differences in the behaviors is important for everyone. However, the perception of the person being subjected to such behaviors is what is measured. Not everyone has the same opinion on what is an undesirable or offensive behavior. The reasonable person standard is applied to the recipient to determine if behaviors may be considered sexual harassment.

Knowing that harassing behavior has occurred, and presumably been corrected, is not enough. To fully comprehend the extent to which sexual harassment damages the military, perhaps through personnel losses or decreased readiness, a thorough examination must be conducted.

2. Assessment

To determine the effects of sexual harassment in the military, the Defense Manpower Data Center conducted its first DoD-wide survey in 1988. The survey was built upon the measurement approach used by the U.S. Merit Systems Protection Board (USMSPB) survey that targeted sexual harassment of federal government civilians. (Lancaster, 1999) Researchers found that 64 percent of women serving on active duty in 1988 who responded to the survey experienced one or more unwelcome sexual behaviors within 12 months prior to completing the survey. (Martindale, 1990, in Lancaster, 1999) In the early 1990s, however, the USMSPB survey was determined to be insufficient because of the methodological approach used.

The USMSPB approach had been conceptualized around 1980 and was considered inadequate for three reasons: (a) The growing body of judicial decisions had expanded what could be considered sexual harassment, and these decisions rendered the original USMSPB 10-item behavioral list inadequate; (b) emerging findings from private sector sexual harassment research indicated that the concept of sexual harassment was far more complex to measure than previously believed; and (c) the overall limitations of using single-item measures in the behavioral list posed serious technical problems. (Lancaster, 1999, p.220)

Three separate surveys were developed and administered to 28,000 active duty military personnel in 1995 in order to combat potential political problems in reporting the results, as well as to ensure that the current survey would have a basis for comparison. The first survey (Form A) replicated the 1988 survey. Form B was developed to include recent advances in measurement for sexual harassment, and included specific items of interest. Form C was used to study the relationship between the sexual harassment behavioral lists used in 1988 and 1995. (Lancaster, 1999)

In their review of the 1995 DoD survey, Fitzgerald, Magley, Drasgow, & Waldo (1999) found that “sexist hostility and sexual hostility were the most common forms of harassment experienced by military personnel, followed by unwanted sexual attention; sexual coercion was the least frequent.” (p.250) Table 1 shows that approximately 78 percent of active duty female military personnel responding to the survey experienced at least one occasion of unwanted sexual behavior, while 38 percent of men responding to the survey experienced the same. Military members of all services reported experiencing

unwanted sex-related behaviors. As shown in Table 1, the willingness of personnel to report incidents of sexual harassment depended upon service and gender. For example, according to the survey respondents, men who report unwanted sexual attention is lowest at 5.02 percent for the Coast Guard, while the Marine Corps has the highest percentage at 8.64 percent. Similarly, female Coast Guard respondents report the lowest percentage of unwanted sexual attention at 34.17 percent, while female Marine Corps survey respondents report the highest percentage of unwanted sexual attention at 52.16 percent.

Table 1. Personnel Experiencing Unwanted Sex-Related Behavior in the Military

Men (M) and Women (W) by Percentage									
Participant	Sexist Hostility		Sexual Hostility		Unwanted Sexual Attention		Sexual Coercion		Any Sexually Harassing Behaviors
	M	W	M	W	M	W	M	W	M W
Overall	15.30	63.38	35.35	69.43	7.86	41.75 ^a	2.20	12.58	37.73 77.66
By race or ethnicity									
White	14.51	66.15	33.71	69.46	7.26	39.77	1.66	10.92	36.20 78.24
African American	16.10	57.38	41.74	68.63	9.72	43.98	3.82	15.07	43.33 76.17
Hispanic	19.42	63.18	35.31	73.44	8.28	45.19	1.64	12.22	38.16 80.72
Native American	29.72	73.89	45.57	82.08	7.83	55.56	3.54	26.15	51.70 86.93
Asian American or Pacific Islander	17.42	58.78	34.29	66.27	8.33	40.26	2.71	10.83	36.02 73.05
By service branch									
Army	16.30	66.86	34.65	74.10	8.46	47.63	3.35	17.50	36.90 81.36
Navy	14.26	61.88	37.34	68.10	8.16	40.57	1.53	11.18	39.13 76.32
Marines	14.93	78.11	35.49	78.50	8.64	52.16	2.81	16.65	37.37 86.28
Air Force	15.49	58.82	33.92	65.21	6.61	35.37	1.31	8.05	37.10 74.26
Coast Guard	13.69	65.24	34.58	64.70	5.02	34.17	0.70	8.34	37.25 75.04
By rank									
Enlisted	15.41	63.25	36.48	71.58	8.32	45.01	2.45	14.49	38.46 78.44
Warrant officers	10.91	65.39	33.94	64.54	7.47	30.14	1.91	7.06	35.05 73.37
Commissioned officers	15.02	63.93	29.23	60.13	5.40	25.80	0.91	3.17	33.47 74.86
a. These figures include the 6% of all women who experienced attempted or completed sexual assault, along with other forms of unwanted sexual attention.									
Source: Fitzgerald et al., 1999a									

Whether an unwanted sexual behavior is interpreted as sexual harassment depends on several factors including; “characteristics of the perpetrator, the type and frequency of the behaviors experienced, and the consequences for the victim.” (Culbertson and Rosenfeld, 1994, p.88) Of interest to many researchers is that in the 1995 survey, military members acknowledged that they had experienced sexually harassing behaviors,

but that they did not consider themselves harassed (see Table 2). For male respondents, only 9 percent labeled behaviors as harassment although 38 percent of respondents acknowledged that they had received such behaviors. For female respondents, 78 percent reported receiving harassing behaviors, while only 52 percent noted that they felt those behaviors were sexual harassment. Although the individuals reported that they had not been harassed even though they experienced these behaviors, DoD officials reported the incidents as harassment. (Lancaster, 1999)

Table 2. 1995 Form B results, by Gender, for Checking Behavioral Items and Self-Labeling Sexual harassment (Percentage)

<i>Item</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Form B: Behavioral item(s) checked	38	78	43
Form B: Behavioral item(s) checked and labeled as sexual harassment	9	52	14

Source: Lancaster, 1999

3. Impact of Sexual Harassment in the Military

The effects of sexual harassment on an individual are grouped into three areas: psychological effects, work-related effects, and physical or somatic effects. The effects of exposure to sexual harassment differ between women and men. Regardless of the level of harassment, women reported experiencing effects such as high incidence of psychological distress, lowered general life satisfaction, lowered satisfaction with one's job, organizational withdrawal and lowered job performance, and health related outcomes. (Magley, Waldo, Drasgow, & Fitzgerald, 1999) Less is known about the effects on men, however, "men experiencing lower levels of harassment did not exhibit negative outcomes, whereas women did." (Magley et al., 1999, p.285)

"The sexual harassment of military personnel carries significant costs for both individuals and services and has a nontrivial impact on military readiness more generally." (Magley et al., 1999, p.297) These costs include increased absenteeism in the form of sick time and leave requested, as well as decreased job performance, which all

contribute to an overall decline in readiness. One estimate by researchers was that sexual harassment could cost the military services as much as \$40 million per year. (Culbertson and Rosenfeld, 1994)

Several other studies on sexual harassment in the military have been published since the early 1990s. Fitzgerald, Drasgow & Magley (1999) tested Fitzgerald, Hulin, & Drasgow's (1995) model that "organizational tolerance for sexual harassment and the gender context of the workgroup are critical antecedents of harassment, which in turn, exert a negative influence on work-related variables." They found that harassment in the military is more frequent when the members believe that such behavior is tolerated and groups are not gender-integrated. (Fitzgerald et al., 1999b)

Rosen and Martin (1998) found a similar result to Fitzgerald et al. (1999a) looking at incidence and perceptions of sexual harassment of U.S. Army soldiers. Not all behaviors of harassment are acknowledged as such by military personnel. Female soldiers who experienced harassing behaviors were "more likely to regard themselves as harassed than men who experienced the same behaviors." (Rosen and Martin, 1999) Harassment was acknowledged more often when the behavior was severe, compared with milder occurrences. However, when mild harassment occurred with greater frequency, the recipient was also likely to acknowledge it.

The Navy Equal Opportunity/Sexual Harassment (NEOSH) Survey, first administered in 1989 to assess the equal opportunity (EO) climate, was studied by Rosenfeld, Newell and Lee (1998). Because of its EO focus, the sample groups had greater numbers of various minority groups compared to their actual percentages in the overall population. Due to the survey's nature, it was administered anonymously to ensure more accurate results. The findings of this survey focused more on racial and gender discrimination than on sexual harassment; however, both male and female respondents of all racial groups reported incidents of negative comments, offensive jokes, physical threats and/or physical assaults.

Regardless of the survey instrument, or the sample tested, the studies of military members corroborate that sexual harassment in the workplace has detrimental effects on both the individual and the group. Due to contractual obligations, military members

cannot simply remove themselves from a negative work environment; they are obligated to remain in the military for a specific term. In a general sense, however, they are able to move about freely and have several avenues available to bring forth complaints. This is not necessarily the case for military members who find themselves in a confined environment such as military prison, or brig.

D. NAVAL CONSOLIDATED BRIG MIRAMAR SEXUAL HARASSMENT & GRIEVANCE POLICIES

NAVCONBRIG Miramar is dedicated to ensuring that prisoners and staff work and live in an environment that is free from harassment, sexual or otherwise. Several policies have been enacted to prevent the occurrence of harassment within the facility.

1. Sexual Harassment Policy

SOP 308 delineates the command's policy, and is applicable to all staff, prisoners, or any others assigned to the brig. The SOP differs from traditional writings about sexual harassment in that it states the harassing behaviors are "a term or condition for an individual's personal gain." (NAVCONBRIG Miramar SOP 308, 2006, p.1) According to NAVCONBRIG Miramar policy, sexual harassment is expressly prohibited. Aside from creating a hostile environment, "sexual harassment denies respect and dignity to the individual and is contrary to the mission of the confinement facility." (NAVCONBRIG Miramar SOP 308, 2006, p.2) NAVCONBRIG Miramar personnel are directed to both follow and enforce the Secretary of the Navy's policy regarding sexual harassment.

Missing from the SOP is how the guidelines apply to prisoners, although the SOP states that consensual sexual behavior between staff and prisoners cannot exist. The SOP continues by listing examples of actions that staff members are not allowed to undertake because these actions "would likely humiliate, embarrass, or otherwise demean staff or prisoners." (NAVCONBRIG Miramar SOP 308, 2006, p.2) It does not specifically state that such behavior, by a prisoner, is also forbidden for the same reasons (the purpose according to the SOP is to "provide guidance for the avoidance of harassment of prisoner/detainees"). (NAVCONBRIG Miramar SOP 308, 2006, p.1) Furthermore, the

issue of whether a prisoner is capable of harassing a staff member is contentious. In practice, the act is possible, but it many not fit the intent of the definition since the prisoner has no power over the staff member.

SOP 1007.6, Offender Rights-Protection from Harm, expands on the protections afforded staff and prisoners under SOP 308, in that it specifically prohibits sexual abuse as well as sexual harassment:

[w]hether the individual is a prisoner, detainee, staff member, volunteer, or contractor, sexual harassment and/or sexual abuse deny the individual respect and dignity and are contrary to the mission of the brig. Sexual contact between prisoners and staff, volunteers or contractors is never consensual and will be considered coercive on the part of the staff member. (NAVCONBRIG Miramar SOP 1007.6, 2005, p.1)

The potential for harassment remains, even though these policies and guidelines exist. In the event that a prisoner, or staff member, feels the need to report harassing behavior, regardless of whether it stems from another prisoner or a staff member, proper grievance procedures must be in place.

2. Grievance Policy

With regard to prisons, the Civil Rights of Institutionalized Persona Act of 1980 encouraged the establishment of inmate grievance procedures. However, the Prisoner Litigation Reform Act of 1986 requires prisoners to exhaust all other administrative remedies before bringing a case to federal court. (Morton, 2004) Detailed grievance procedures for prisoners are delineated in NAVCONBRIG Miramar draft SOP 1007.2. The internal grievance mechanism has three classifications: informal grievances, standard grievances, and emergency grievances. Informal grievances are typically verbal in nature. In most cases, a prisoner verbalizes an issue to a staff member which is able to be resolved easily. The resolution can be accomplished by staff members at any level. Standard grievances are submitted via a written grievance form and processed through the normal channel. Standard grievance procedures are used when there is no immediate threat to the welfare of the prisoner. Grievances which involve an immediate threat to prisoner welfare and safety are emergency grievances, and must be expedited. The

prisoner is not able to file an emergency grievance, per se; the emergency status is determined by the staff member who receives the grievance. (NAVCONBRIG Miramar SOP 1007.2, n.d.)

Informal grievances can be resolved by staff members as soon as practicable. Standard grievances must be filed within 15 days of the occurrence of an event. Once received, if it is not resolved informally, a unit manager has 72 hours to conduct an investigation. Once forwarded to the department head involved, the grievance may be remedied within five days through either formal or informal resolution. If a formal resolution is required, it will be returned to the prisoner in writing within 30 days of receipt.

Processing of emergency grievances begins once the staff member determines that the issue threatens the immediate welfare or safety of a prisoner. If a grievance is not resolved to the satisfaction of the prisoner, the prisoner has the right to request a grievance board. If the prisoner is unsatisfied with the findings of the grievance board, he has the right to file an appeal to the Commanding Officer. (NAVCONBRIG Miramar SOP 1007.2, n.d.) Records of complaints are maintained at NAVCONBRIG Miramar. The Commanding Officer reviews a summary of all complaints monthly to determine if a pattern of problems exists within the facility. Written grievances are kept on file for three years.

If a prisoner does not fill out the grievance form correctly, or files a grievance for something that is not grievable, the form will be returned. Therefore, staff members and prisoners alike need to be trained on the various forms and their purposes, along with the correct procedures for completing them. Moreover, training is required to ensure that prisoners and staff members understand what constitutes sexual harassment and sexual misconduct, as well as the consequences for such behavior.

3. Training

All staff members of NAVCONBRIG Miramar are required to attend a pre-service orientation training upon check-in, as well as in-service training that covers sexual harassment. Some staff members are afforded the opportunity to attend the U.S. Navy Corrections Specialist Training Course or the Brig Officer Management Course.

Many of the pre-service training courses given during orientation are not required for personnel who have completed the Brig Officer Management Course. Although training is administered, the sexual harassment training is the standard sexual harassment general military training module. It does not specifically apply to the prison environment.

Prisoners are required to attend an orientation program within four weeks of arrival at NAVCONBRIG Miramar. Included in the orientation schedule is a sexual harassment brief. Each prisoner is required to initial an orientation class completion sheet annotating that they attended each of the required lectures. (NAVCONBRIG Miramar SOP 603, 2005) Regardless of the training given at NAVCONBRIG Miramar, many of the sexual harassment or sexual misconduct issues that can be found in a military brig are also found in civilian prisons, but on a much larger scale.

E. SEXUAL HARASSMENT & SEXUAL COERCION IN PRISON

Research on sexual harassment and sexual coercion is conducted in college and corporate environments. “In campus and community settings, sexual coercion typically involves a female victim and a male perpetrator who is known by and possibly in a relationship with the victim.” (Struckman-Johnson and Struckman-Johnson, 2002, p.218) Comparatively, little is known about the dynamics of sexual harassment and sexual coercion in the prison environment.

1. Sexual Harassment

In 2004, 8,210 allegations of sexual violence in correctional facilities were reported nationwide. Eleven percent of all allegations reported staff sexual harassment against prisoners. (U.S. DOJ, 2005a) These data are limited in that the study was able to take into account only those incidents which had been reported to correctional authorities. The Bureau of Justice Statistics did not believe that these were the only incidents that actually occurred. “Fear of reprisal, a code of silence, personal embarrassment, and lack of trust in staff” often make victims reluctant to report incidents to correctional authorities. (U.S. DOJ, 2004, p.2)

Staff sexual harassment is measured as “repeated verbal statements or comments of a sexual nature to an inmate by employee, volunteer, official visitor, or agency representative, including: (1) demeaning references to gender or derogatory comments

about body or clothing; or (2) profane or obscene language or gestures.” (U.S. DOJ, 2004, p.3) Much of the research on coercion in prisons combines sexual harassment as a facet of the overarching issue of sexual coercion. In their article about research on sex in prisons, during the late 1980s and early 1990s, Tewksbury and West (2000) focused on sexual coercion. They did not explicitly examine the issue of sexual harassment, but absorbed it into the broader topic of coercion.

2. Sexual Coercion

Sexual coercion has received attention by researchers because it has been more readily identified as an institutional and social problem. (Tewksbury and West, 2000) Studies have ranged from the characteristics of inmates who are involved in the assaults, to the effects on the victims, the institutional culture and the social organization. (Tewksbury and West, 2000) Attitudes of the inmates as well as the correctional staff have a great effect on the number and types of crimes that are perpetrated. However, because definitions vary by researcher it is sometimes difficult to compare results across studies.

In her study of sexual abuse of female prisoners in Hawaii, Baro (1997) noted that during a twelve-year span (1982-1994), Hawaii had 38 officially acknowledged cases of corrections employees resigning or who were dismissed over charges of having sexual contact with female prisoners. What is not known, however, is how many cases went unreported and undetected. She surmised that even if evidence existed, prosecutors were reticent to press forward on the cases because the “social status of the inmate-victims and their criminal histories can diminish the chances of obtaining convictions.” (Baro, 1997, p.64) Legitimate status as a victim can also be denied to female prisoners because they are joined together as “bad girls” because of past indiscretions, and are therefore less worthy in some peoples’ eyes.

Human Rights Watch published two well-regarded reports on the sexual abuse of women in U.S. prisons. Both studies “concentrate on sexual misconduct in women’s prisons, including pervasive sexual harassment, sexual abuse, and privacy violations by guards and other corrections employees.” (Human Rights Quarterly, 1999, p.1) According to the initial report, *All Too Familiar: Sexual Abuse of Women in United States prisons*, “one of the clear contributing factors to sexual misconduct in women’s

prisons is that the United States allows male correctional employees to hold contact positions (positions that require close physical proximity) over female prisoners.” (Human Rights Watch, 1996, p.8) While permissible in the United States, such a practice is frowned upon by the international community.

Particularly disturbing to the Human Rights Watch researchers was the realization that many of the women who had made allegations for their initial report suffered greatly at the hands of staff members for doing so. Retaliation was found in the form of “verbal harassment, threats of physical harm, abusive pat-frisks, prolonged periods of punitive segregation, and trumped up disciplinary charges that resulted in the loss of visitation rights with families and loss of opportunity for early release.” (Human Rights Quarterly, 1999, p.3) According to Morash and Schram (2002) correctional staff and administrators sometimes refute claims of watchdog groups and the media. “In a counterclaim to charges that male correctional staff violated policy by standing outside the door when a body search was performed on a woman, correctional officials argued that it was a necessary precaution since the prisoner was agitated.” (p.131) The counterclaims may present an alternative view regarding the purpose of correctional staff actions, but they do not lessen the fact that these actions may trigger humiliation or distress for the female prisoner.

A 1999 GAO report on staff sexual misconduct reported that during the years 1995 to 1998, there were 506 allegations of staff sexual misconduct lodged by female inmates in the three largest jurisdictions (the Federal Bureau of Prisons (BOP), California Department of Corrections and Texas Department of Criminal Justice). Table 3 shows a brief summary of the results.

Table 3. Staff on-Inmate Sexual Misconduct Allegations Reported and Sustained at BOP, California, and Texas Female Prisons, Calendar Years 1995 to 1998

Staff-on-inmate sexual misconduct	Calendar years 1995 to 1998			
	BOP	California	Texas	Total
Number of allegations reported	236	117	153	506
Number of allegations sustained (staff resignations, employment terminations, or other administrative sanctions)	22	22	48	92
Total allegations sustained as a percentage of allegations reported	9%	19%	31%	18%
Source: GAO / GGD-99-104				

Of the total allegations, 18 percent were sustained, resulting in staff resignations or employment terminations. However, the report noted that lack of evidence was the primary reason why more allegations were not sustained. Moreover, the three jurisdictions did not have comprehensive data available regarding the number of allegations, the nature of the claims or their outcomes. At the time of the report, the three largest jurisdictions, as well as the District of Columbia Department of Corrections, all had outstanding civil lawsuits against them related to staff sexual misconduct. Banks (2003) reported that surveys estimated that more than 290,000 inmates, of both sexes, were sexually assaulted each year. In 1995, she stated the Department of Justice estimated that 135,000 rapes of female inmates occurred throughout the country. Many cases of abuse may go unreported because of the women's fear of repercussion, or because there is a perception that correction officers are more credible witnesses than the inmate-victim.

A separate GAO report on the challenges confronting the U.S. correctional systems with regard to female prisoners noted that "before entering prison, a large percentage of female inmates had abused drugs and had experienced physical or sexual abuse." (GAO, 1999, p.4) High incidents of abuse for female prisoners have been noted in several studies. The National Institute of Justice (1998) found that female inmates were more than three times as likely as male inmates to have experienced physical or sexual abuse prior to their incarceration. "The BJS researchers discovered 43 percent of women inmates surveyed reported having been victims of sexual or physical abuse prior to admission, with most having been victimized before the age of 18." (National Institute

of Justice, 1998, p.4) Laballe and Kubiak (2004) reported that 40 to 60 percent of female prisoners were physically or sexually abused prior to entering prison. In their view, this transferred to the prison environment and left the women at greater risk for continued abuse. In *Women, Prison & Crime*, (2002) Jocelyn Pollock noted that when women have been sexually and physically abused throughout their lives, they may have an increased sensitivity to male authority figures. Furthermore, women in prison have often been defined by their sexuality. "To respond to men in a sexual manner has become a self-defense mechanism for them and a mode of interacting that is reinforced by male officers who sexualize the prison environment in their references and treatment of women." (Pollock, p.99)

Struckman-Johnson and Struckman-Johnson (2000, 2002) conducted multiple studies of the incidents and effects of sexual coercion of inmates in prisons. Looking at seven Midwestern prison facilities for men, they found that 21 percent of the inmates indicated they had experienced at least one occurrence of sexual coercion while imprisoned in their state. The statewide rates of sexual coercion ranged from 16 percent up to 26 percent of all respondents. Individual facility rates ranged from 4 percent to 21 percent, due to the fact that inmates experienced sexual coercion in facilities other than their current facility. "Inmate responses suggested that a climate of fear about sexual assault dominated the prison." (Struckman-Johnson and Struckman-Johnson., 2000, p.386)

In a separate study of female prisoners at three Midwestern prisons, Struckman-Johnson and Struckman-Johnson (2002) "concluded that the prison environment potentially fosters female sexual aggression among inmates and sexual exploitation by staff...the frequency of the behavior may depend upon characteristics of the facility and its inmate population." (p.225) An interesting finding of this study was that sexual coercion was perpetrated not only by male staff, but also by female staff and other female inmates. This is contrary to many beliefs present at the time of the study. Appendices C and D have specific information regarding these studies, including staff and prisoner estimates of how many prisoners are pressured / forced into sex at the facility, and inmate

ratings of sexual-assault protection levels, by facility. Regardless of whether it is a male or female who perpetrates the abuse, sexual harassment and sexual coercion have severe negative impacts on all concerned.

3. Effects of Staff Sexual Abuse

Staff sexual abuse of inmates can cause serious problems for everyone ranging from the inmate-victim to other staff members, the correctional facility and society as a whole. “Staff sexual abuse can undermine the security of institutions by corrupting staff members and increasing rivalry among inmates.” (U.S. DOJ, 2005a, p.1) Apart from the sexual relations, BOP found that in many cases of staff sexual coercion also involved the smuggling of contraband, ranging from items like food or toiletries to drugs and weapons.

Bell, Coven, Cronan, Garza, Guggemos and Storto (1982) noted that sexual coercion causes psychological and physical harms to prisoners. Prison rape trauma syndrome, a common effect of sexual abuse, often results in a loss of self-esteem and an inability to trust others. In Bell et al., Struckman-Johnson et al. (1996) noted that nearly 80 percent of those who had experienced forced sexual relations experienced psychological effects including, but not limited to, depression. Contemplating suicide is not unheard of for individuals who experience sexual coercion (which includes prison rape). Physical harms stemming from sexual coercion in prison include physical injury, increased risk of sexually transmitted diseases including HIV and pregnancy. (Bell et al., 1982)

Apart from the physical and psychological harms that staff sexual abuse cause, it can also result in financial costs. “The BOP paid \$600,000 to settle two separate lawsuits filed by inmates against the BOP because they had been sexually abused by BOP staff.” (U.S. DOJ, 2005a, p.8) In 1996, California Department of Corrections agreed to pay \$73,000 to end a lawsuit alleging forced sexual intercourse. (GAO, 1999) Similarly, the Michigan Department of Corrections had to pay \$4 million resulting from a class action lawsuit by nearly 500 women prisoners alleging sexual misconduct by male prison staff. (Laballe and Kubiak, 2004)

4. Prevention

“Departments of Corrections across the country have instituted new policies, investigation practices, staff training and inmate education efforts since 1996 to reduce the incidence of sexual [misconduct.]” (U.S. DOJ, 2000, p.5) Comprehensive staff training regarding applicable laws, facility policies, and an overall awareness of staff sexual misconduct are just the beginning. Laws that define sexual contact between staff and prisoners that exclude prisoner-consent as a legal defense impart the seriousness of the offense. However, to be effective, these laws must be enforced equally across all states and jurisdictions. For that to happen, correctional managers will have to ensure that the inmates do not live in an environment that promotes retribution and retaliation. If such conditions exist, the number of reported incidents will be limited. However, inmates must also understand that consequences exist for false reporting.

F. SEXUAL MISCONDUCT LAWS GOVERNING PRISONS

“Sexual misconduct by correctional staff, defined as sexual behavior, contact, or relationships between correctional staff and inmates,” is a serious problem. (U.S. DOJ, 1996, p.1) Regulations governing sexual relationships are not confined to individual institutions. Laws regarding sexual relations with prisoners can be found in federal statutes as well as state regulations.

1. Federal Statutes

Federal law criminalizes all sexual relations and sexual contact between prison staff and inmates. This applies to all Federal BOP facilities. However, these laws do not apply when federal inmates are held in prisons that are under contract to the federal government. (U.S. DOJ, 2005a) In the case of this type of institution, the prison is bound by state law vice federal law. Four statutes govern the prohibition of sexual contact between prison staff and inmates in federal prison facilities: 18 U.S.C. § 2241 Aggravated Sexual Abuse: using force or threats to get another person to engage in a sexual act; § 2242 Sexual Abuse: making another person engage in a sexual act through threats or force; § 2243 Sexual Abuse of a Minor or Ward: engaging or attempting to engage in a sexual act with another person who is in official detention, and under their

custodial, supervisory, or disciplinary authority; and § 2244 Abusive Sexual Contact: engaging in sexual contact with another person without their consent. (Smith, 2001)

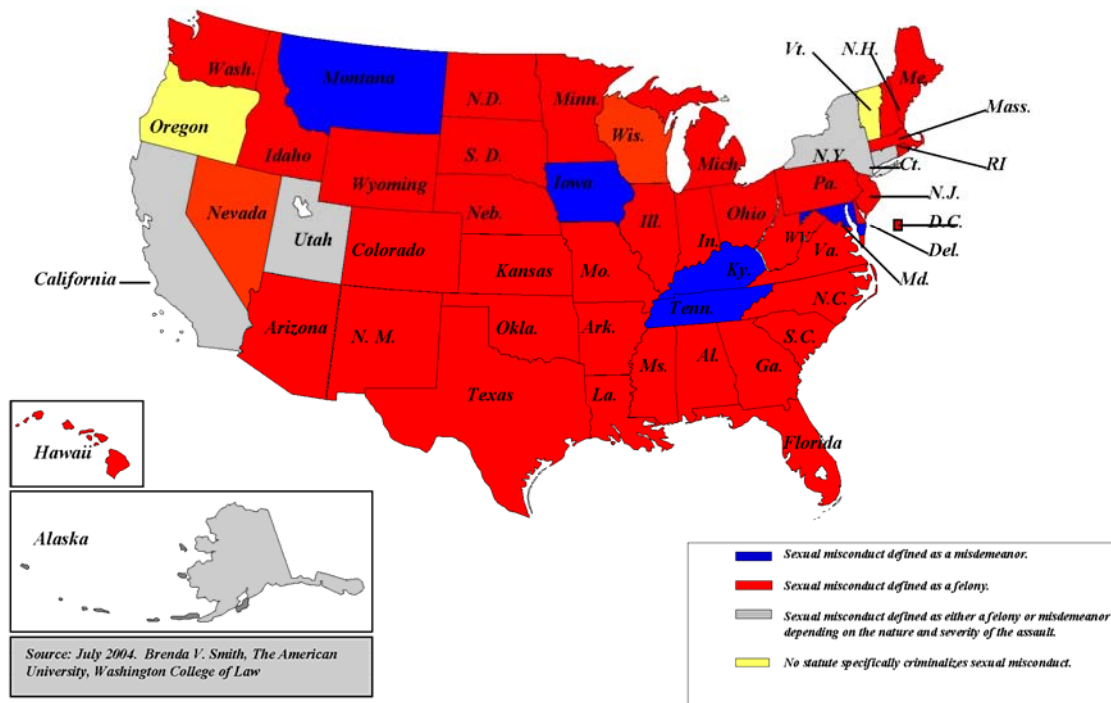
Regardless of the statute, consent from the prisoner is not a defense. Because of the inherent power differential between prisoners and staff, it is understood that a prisoner cannot freely consent to sexual activity. In the case of § 2243, the only possible defense that could be mounted is that the persons engaging in the act were married to each other at the time. “A maximum penalty of life imprisonment can be imposed on staff members who cause an inmate to engage in a sexual activity by using force; by threatening death, serious bodily injury, or by kidnapping; or by administering intoxicants to the inmate.” (U.S. DOJ, 2005a, p.8) In cases where the threat or use of force does not exist, the maximum penalty is a 1 year imprisonment.

2. Prisoner Rape Elimination Act of 2003

In September of 2003, Congress passed the Prisoner Rape Elimination Act which addresses various issues related to the sexual abuse of inmates. Among other things, the law requires the “National Institute of Corrections, to provide education, training, and information to corrections agencies on staff sexual misconduct.” (U.S. DOJ, 2005, p.4)

3. State Laws

States do not use the same guidelines as the federal law in their application of staff sexual misconduct. Laws governing sexual contact between correctional staff and prisoners vary from state to state. Data regarding state policies were compiled by the National Institute of Corrections using survey instruments in 1996 with a follow-up in 2000. As of May 2000, 42 states, as well as the District of Columbia, enacted statutes prohibiting staff sexual misconduct with prisoners. This is an increase of ten states since 1996. The level of a sexual misconduct offense varies by state, ranging from misdemeanors to felonies. Most often, however, it is a felony offense. (U.S. DOJ, 2000)



Source: National Institute of Corrections, 2004

Figure 2. State Criminal Laws Preventing Sexual Abuse of Individuals in Custody

Between 1996 and 2000, 20 different departments of corrections had developed or revised their policies related to sexual misconduct. An additional 12 jurisdictions were in the process of developing or revising their policies at the time of the 2000 survey. (U.S. DOJ, 2000) Whereas federal statutes regarding staff sexual misconduct with prisoners do not apply to facilities under contract to the Federal Bureau of Prisoners, “several states protect inmates under their supervision who are housed in facilities under contract with these states, including California, Georgia, Massachusetts, Ohio, Texas, and Virginia.” (U.S. DOJ, 2005, p.19)

4. Military Regulations

The Uniform Code of Military Justice does not specifically prohibit sexual relationships between prisoners and correctional staff. However, military members are required to abide by all lawful orders. As military facilities are governed by federal statutes, correctional staff members are therefore prohibited from engaging in sexual relationships with prisoners. If a military staff member engages in a sexual relationship

with a prisoner, at a minimum he/she can be charged with an orders violation (pertaining to Federal Statutes), under the Uniform Code of Military Justice. (Personal interview, April 11, 2006)

5. Actions Taken Against Staff and Inmates

Actions taken against staff members who were found to have engaged in sexual misconduct with prisoners vary by state and institution. Possible actions include verbal reprimands, punitive citations, and other disciplinary measures. Many agencies indicate that they would dismiss staff members involved in sexual misconduct incidents once the allegation was substantiated. If a staff member was falsely accused, no action would be taken against the individual. Inmates found to have made false accusations are often disciplined. (U.S. DOJ, 1996, 2000)

When allegations of sexual misconduct are unsubstantiated, correctional facilities have varied courses of action available. If a claim is unsubstantiated it does not necessarily mean that an incident did not occur. On the contrary, it may mean that there simply was not enough evidence to substantiate the claim. Once an allegation is made, even if it goes unsubstantiated, prisoner-staff relations may become strained. One-quarter of the agencies who responded to the 1996 National Institute of Corrections survey indicated that they would “reassign the staff member to another facility. Likewise, three facilities indicated that they may provide counseling to the staff member, as well as training on behavior and perceptions.” (U.S. DOJ, 1996, p.7) Strong prisoner-staff relations are important in maintaining an environment free from sexual harassment and sexual misconduct.

G. INMATE / STAFF RELATIONS

Regardless of the correctional facility, correctional staff members are expected to maintain a professional relationship with inmates. Overly personal relationships are contrary to good order and discipline and can corrode the organizational framework. “Staff/prisoner fraternization violates the existence of a professional [prison] environment free of interpersonal distractions, positional abuse or favoritism.” (NAVCONBRIG Miramar SOP 307, 2005, p.1) A professional environment does not preclude staff members from carrying on conversations or day-to-day interactions with

prisoners. Rather, it requires that staff members maintain a ‘distance’ and do not personally involve themselves with prisoners. In North Carolina, staff members are fired for undue familiarity with prisoners. (North Carolina Department of Corrections, 2002) When staff members become too familiar with inmates, supervision responsibilities fall by the wayside. Becoming overly sympathetic or empathetic with the inmate’s plight clouds a staff member’s professional judgment.

Proper staff-to-inmate relations begin with proper staff-to-staff relationships. When staff members present a unified front, inmates have a lessened ability to use ‘divide and conquer’ strategies. Moreover, the manner in which staff members relate to each other provides the model for inmates to follow. This is especially true between male and female staff members. “We need to use professional language with male and female staff. Using slang language, stereotypes, sexual phrases and flirtatious comments helps create the sexualized environment.” (North Carolina Department of Corrections, 2002, p.5)

1. Inmate Profile Issues

Inmates have many different reasons for attempting to develop relationships with staff members. The most innocent motive, presumably, is loneliness. They are simply looking for someone to connect with. However, most motives go beyond the realm of innocence. Common motives include predatory practices and games. These inmates are looking for conquests. Others look for a source of power; by involving themselves in a relationship with a staff member, they can gain favors or contraband, or use it to try and “cut a deal” with the administration. (North Carolina Department of Corrections, 2002)

2. Employee Characteristics

Certain characteristics tend to make employees more vulnerable to predatory inmates. Although not all-inclusive, many employees who have fallen victim exhibited one or more of the following: low self-esteem, job dissatisfaction or poor working relationships with peers or supervisors, personal problems at home, fear, a rescuer syndrome, isolation, a need for attention, or caregivers. An underlying trait in many of

these characteristics is that the staff member was not aligned with other employees. They felt that there was no one else to turn to with personal or professional problems, so they turned to the inmate.

Staff-inmate relationship issues can also stem from other areas. The staff members are drawn from the same overall population as the inmates. It is likely that some staff members will have many of the same tendencies as the prisoners. According to a National Institute of Corrections presentation (2004), there were 708,000 people working in corrections. 7.7 percent of employees reported current illegal drug use, while 8 percent reported current heavy alcohol use. When one considers that 19 percent of the general adult population has some type of mental disorder, in addition to the drug and alcohol abuse, it's no wonder that there are problems. (U.S. DOJ, 2004)

3. Prisoner Relationships

Male and female prisoners exhibit different types of relationships. Banks (2003) noted that the prison subculture is guided by the way that prisoners adapt to their incarceration, and how their individual values and norms may be adjusted. Men and women cope differently to the prison experience. Whereas men tend to isolate themselves, women will form close inter-personal relationships with other prisoners.

However, Greer (2000) found that the interpersonal environment inside a women's prison is best described as one that is based on manipulation and mistrust. "The different types of relationships; friendships, sexual relationships, and lack of kinship network ... were tainted with perceptions of dishonesty, paranoia, and hostility." (p.447) The women were not interested in developing long-term relationships with other prisoners. Their experience tended toward the idea that prison is a solitary environment. When they did form relationships, some form of gain was sought.

Staff-to-staff, staff-to-prisoner, and prisoner-to-prisoner relations combine to form a climate within a prison facility. To determine staff and prisoner perceptions regarding the climate of sexual harassment and sexual coercion within NAVCONBRIG Miramar, the researchers used a survey instrument described in Chapter V.

H. COMMENTARY

While “statistics indicate that an extremely small percentage of inmates are victims of sexual abuse or sexual misconduct by staff,” (U.S. DOJ, n.d., p.1) literature regarding staff-to-inmate sexual misconduct is more readily available than inmate-to-inmate sexual misconduct. Training materials from various prison facilities, made available through the National Institute of Correction Information Center (NICIC), were predominantly geared toward staff members and were designed to prevent staff sexual misconduct with inmates. Other materials available through the NICIC database included those geared toward identifying staff sexual misconduct. Materials designed for prisoners were limited.

I. SUMMARY

Sexual harassment and sexual coercion are problems pervasive in both American society and America’s correctional institutions. Research is widespread in the area of sexual harassment and sexual coercion in the workplace and college campuses, while research is limited regarding sexual harassment and sexual coercion in prison systems.

Sexual misconduct by prison employees erodes the rehabilitative value of the correctional institution. “An atmosphere marked by sexual misconduct would work against any programming designed to empower women to take control of their lives and avoid criminality after release.” (Morash and Schram, 2002, p.121) Degradations, such as assault or harassment, may occur at the hand of fellow inmates. Similarly, these events must not be permitted.

Correctional institutions must take sufficient steps to prevent sexual misconduct, regardless of whether it is committed by staff members or inmates. Training and education are key factors to ensuring that everyone knows and understands the guidelines to which they must adhere. Failure to do so may result in a staff member looking out from the opposite side of the bars. Each facility has its own methods to ensure that prisoners have the ability to report if they sexually harassed. This topic is discussed in the following chapter.

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III. NAVY BRIG SEXUAL HARASSMENT REPORTING PROCEDURES

A. INTRODUCTION

As discussed in Chapter II, SECNAVINST 5300.26D emphasizes the importance of all U.S. Navy facilities maintaining an environment free from sexual harassment. Furthermore, it states that all personnel will be “educated and trained upon accession (within 90 days to the extent possible), and annually thereafter in the areas of identification, prevention, resolution and elimination of sexual harassment.” (SECNAVINST 5300.26D, 2006, pp.2-3) Reporting incidents of sexual harassment can be extremely stressful and troubling for the individual who has been harassed. For example, someone who has been sexually harassed may feel angry, anxious, confused, embarrassed, powerless and hopeless. (Ontario Women’s Justice Network, 2001) Therefore, reporting the incident can be very difficult for some, especially if they feel intimidated or fear reprisal. Nevertheless, harassed individuals are to be given every opportunity available to report the harassment. According to SECNAVINST 5300.26D:

Individuals who believe they have been sexually harassed shall be provided the opportunity to seek resolution and redress. Commanders and those in supervisory positions shall ensure that notification of sexual harassment can be made in a command climate that does not tolerate acts of reprisal, intimidation, or further acts of harassment. All personnel shall be made aware of the avenues of resolution and redress that are available.

Similar to most disciplinary action, sexual harassment cases are normally handled at the lowest command level possible. For example, in some incidents, an informal inquiry may be enough to resolve the issue. Nevertheless, any reported incidents of sexual harassment are taken very seriously, especially in a prison environment. The following paragraphs state how a case of sexual harassment would normally be handled, first in a non-prison setting, then at NAVCONBRIG Miramar.

B. GENERAL SEXUAL HARASSMENT REPORTING PROCEDURES

Acts of sexual harassment can span a wide range of activities. For example, sexual harassment may constitute verbal remarks or physical acts; they may be subtle or understated, or they may be obvious and blatant. Since incidents of sexual harassment can differ greatly, the suitable action used to settle the incident depends on the circumstances surrounding the episode. Therefore, Commanding Officers are given the full span of administrative and disciplinary measures to attend to sexual harassment cases. Punishments may comprise formal counseling, fitness report/evaluation comments, and/or separation from military service. (SECNAVINST 5300.26D, 2006)

Even though punishment can vary substantially depending on the nature of the harassing event, Navy and Marine Corps personnel may be separated from military service on the first occurrence of a substantiated sexual harassment incident. For example, if a court-martial or a Commanding Officer determines that sexual harassment has occurred through actions or attempts to influence another's career in exchange for sexual favors, the perpetrator *shall* be administratively separated. (SECNAVINST 5300.26D, 2006)

Individuals who feel they may have been sexually harassed are first encouraged, by SECNAVINST 5300.26D, to address their concerns directly with the person who exhibited the potentially harassing action. Individuals who are unsuccessful at stopping the action through discussion with the perpetrator are then directed to convey the episode to the chain of command. The action should also be reported if "addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances, or the behavior is clearly criminal in nature." (SECNAVINST 5300.26D, 2006, p.5)

Of particular concern is when an incident of sexual harassment occurs when the perpetrator is the victim's direct supervisor. In this case, the individual being harassed may very likely feel uncomfortable confronting the person responsible for the harassment. DoN policy in these cases is vague at best. SECNAVINST 5300.26D merely states that in these cases, "individuals who have been subjected to or who observe

objectionable behavior are encouraged to promptly communicate the incident through other available means.” (SECNAVINST 5300.26D, 2006, p.6) Yet no detail is given as to what these available means may be.

C. NAVY BRIG-SPECIFIC SEXUAL HARASSMENT REPORTING PROCEDURES

Sexual harassment cases in the navy brig system may be particularly unique in that they often involve the guard-prisoner relationship – a relationship in which the guard has considerable responsibility for the prisoner’s well-being. However, incidents involving the prisoner-prisoner relationship exist as well. Furthermore, there may be a high possibility of sexual favors being offered by the junior member (the prisoner), whereas sexual harassment in non-confinement facilities is usually initiated by the senior member. (SECNAVINST 5300.26D, 2006, p.6) An example of this type of behavior may include a detainee offering good behavior in return for sexual favors, thereby making the guard’s job considerably easier. The following paragraphs explain avenues for prisoners to report sexual harassment. Procedures for reporting sexual harassment are similar, whether the harassment was instigated by a staff member or by another prisoner.

NAVCONBRIG Miramar SOP 308 defines sexual harassment as any behavior that includes: “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to such conduct is made, either explicitly or implicitly, a term or condition for an individual’s personal gain.” (NAVCONBRIG Miramar SOP 308, 2006, p.1) NAVCONBRIG Miramar SOP 308 elaborates the uniqueness of sexual harassment incidents in a prison environment. Where welcome sexual advances in a non-detainee command are *not* considered sexual harassment, they *are* in a brig setting – if they involve staff and detainees. In other words, “there is no such thing as consensual sexual behavior between staff and prisoners/detainees.” (NAVCONBRIG Miramar SOP 308, 2006, p.1) Other procedures also prohibit sexual contact between staff and prisoners/detainees. For instance, NAVCONBRIG Miramar SOP 1007-6 states that “sexual contact between prisoners and staff, volunteers, or contractors is never consensual and will be perceived as coercive on the part of the staff member.” (NAVCONBRIG Miramar SOP 1007-6, 2005, p.1)

Furthermore, SOP 308 states that actions that are only meant to embarrass an individual are also prohibited. Specifically:

[a]ny act or work which demeans, degrades, humiliates, or serves only to embarrass an individual is prohibited. Actions which are not specifically authorized by confinement facility policy and which would likely have the effect of humiliating or embarrassing prisoners or otherwise demeaning them shall be avoided.

NAVCONBRIG Miramar considers sexual harassment, or harassment in any other form, a very serious offense, particularly since brig staff has been specifically entrusted with the well-being of detainees. Similar to most commands and per SECNAVINST 5300.26D, all harassment incidents are to be reported up the chain of command. Exclusive harassment reporting procedures for NAVCONBRIG Miramar are given below:

1) In a case where the offender is the immediate supervisor of the victim being harassed, that victim may report the incident to the next-highest senior person in the chain of command.

2) A prisoner/detainee can report an incident of harassment to any senior member they might trust, including Leading Chief Petty Officers, chaplains and counselors. It is also considered the “duty of that staff member to report the incident up the chain of command.” (NAVCONBRIG Miramar SOP 308, 2006, p.1)

NAVCONBRIG Miramar SOP 1007-6 further distinguishes sexual harassment from sexual abuse and sexual assault. According to this procedure, sexual abuse is considered the *forcing* of unwanted sexual activity from one person to the next through the use of coercive methods or threats. They may be physical, visual, verbal or psychological in nature. (NAVCONBRIG Miramar 1007-6, 2005, p.1) Moreover, the reporting procedures for sexual abuse and assault are slightly different from reporting sexual harassment. According to SOP 1007-6, victims who feel they have been sexually assaulted can report the incident to any senior staff member. This may be done without fear of reprisal, a subject that will be introduced in a later chapter. Whereas the reporting procedures for sexual harassment do not necessarily involve reporting the incident to the Command Duty Officer (CDO), incidents of sexual assault or abuse are to be normally

reported to the CDO, the Sexual Assault Victims Installation Coordinator, or the Commanding Officer. The reporting options are further enhanced by stating that the victim may also feel compelled, and is entitled, to report the incident to Case Managers, Brig Investigators, Clinical Staff, Command Master Chief, Legal Officer, Executive Officer, and even Navy Personnel Command staff. (NAVCONBRIG Miramar SOP 1007-6, 2005)

D. PRISONER/DETAINEE GRIEVANCE PROCEDURES

There may be occurrences when a prisoner/detainee feels it necessary to file a grievance against a particular staff member. A case of sexual harassment may be such an instance. Prisoners may file a grievance on any occasion when they deem it essential to bring a problem to the attention of senior staff. However, prisoners may only file a grievance for themselves, but they may have help from another prisoner in filing such a complaint. Furthermore, NAVCONBRIG Miramar SOP 1007-2 prohibits staff members from retaliating against prisoners who file grievances. This further elucidates the importance of the prisoners' feeling that they can report incidents of harassment without the fear of reprisal or retaliation. (NAVCONBRIG Miramar SOP 1007-2, draft)

Prisoners may initiate a grievance if they feel their rights have been violated. Specifically, grievance proceedings may take place if prisoners believe there has been a violation of their civil, constitutional or statutory rights. They may also file a grievance if they feel there has been a prohibited, or even criminal, act committed against them by a staff member. Additionally, grievances may also be filed in order to put an end to any unsafe or unsanitary living condition within the prison facility. Sexual harassment certainly falls into these categories and would call for a grievance filing.

Training on filing grievance procedures includes the three classifications of grievances available to detainees. These classifications are informal, standard and emergency. Informal grievances are normally not of a serious nature, and emergency grievances are normally considered a life-threatening nature. Since sexual harassment does not fall into either of these categories, they will be omitted from this discussion. Sexual harassment falls into the standard grievance category, and as such may be filed within 15 days of the event. Once a prisoner decides to file such a grievance, he or she

will be given a grievance form by a staff member, along with instructions and assistance for filling it out, if necessary. The grievance is then forwarded up the chain of command for processing. Should the grievance not be informally resolved, which is unlikely in the case of sexual harassment, the unit manager is to be given at least 72 hours to perform an investigation. (NAVCONBRIG SOP Miramar 1007-2, draft) Finally, NAVCONBRIG Miramar SOP 1007-2 states that an incorrectly filed grievance, or a grievance filed for a “non-grievable” issue, will be given back to the prisoner. Therefore, training on correctly filing grievance procedures is essential if prisoners are to understand the complexities of reporting such incidents. (NAVCONBRIG Miramar SOP 1007-2, draft)

If grievances are not resolved at the Department Head level to the prisoner’s satisfaction within five days, then a Grievance Board is convened. The Grievance Board normally consists of the Executive Officer, Department Head and Technical Director. The Department Head on the Grievance Board is normally not to be involved in the grievance itself. Prisoners are given the right to make their case to the Grievance Board, after which the board will review the facts from the investigation and normally submit a resolution within 30 days. Should a prisoner wish to appeal any decision reached by the Grievance Board, he or she may do so to the Commanding Officer within five days. The Commanding Officer then has 10 days to reach a decision on the matter. (NAVCONBRIG Miramar SOP 1007-2, draft)

All grievances are considered confidential, and only the Commanding Officer can authorize release of copies of these grievances. NAVCONBRIG Miramar also keeps accurate records of all filed grievances. Specifically, the Commanding Officer keeps a monthly log of any complaints made by the grievance course of action. This log includes any relevant information, along with the disposition of the case. This information is then forwarded to the Legal Office once per month for combined record keeping. This record keeping is then used to produce a summary report that is reviewed each month by the Commanding Officer in order to look for “patterns of problem areas.” (NAVCONBRIG Miramar SOP 1007-2, draft)

E. UNREPORTED SEXUAL HARASSMENT AND SEXUAL ASSAULT

While the procedures for reporting sexual harassment in Navy briggs are extremely important, it is also of great worth to discuss the likelihood that some prison sexual harassment cases go unreported. Public Law 108-79, also known as the Prison Rape Elimination Act of 2003, states that there is currently inadequate research and data on the level of prison rape that takes place. Congress further estimates that nearly 13 percent of prisoners incarcerated in the United States are victims of rape and those that have been sexually harassed is certainly substantially higher. (Public Law 108-79, 2003) They further predict that over one million inmates have been sexually assaulted in prisons in the past 20 years. Navy briggs report lower percentages of prison sexual harassment and rape than most federal institutions; however the importance of unreported sexual assault and harassment should not be understated. (Public Law 108-79, 2003)

Of particular importance, Congress also states that most prison staff are insufficiently trained on the prevention and reporting of sexual harassment and rape. Furthermore, “prison rape often goes unreported and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault, if they receive treatment at all.” (Public Law 108-79, 2003) One goal of The Prison Rape Elimination Act is to create an adequate system for reporting prison rape incidents, which may also extend to sexual harassment occurrences as well. Specifically, it strives to “create a system of reporting prison rape that will ensure the confidentiality of prison rape complaints, protect prison rape complainants from retaliation, and insure the impartial resolution of prison rape complaints.” (Public Law 108-79, 2003) Even though Public Law 108-79 was instituted to reduce and more accurately report prison rape, its principles may also be applied to sexual harassment cases that do not result in rape.

F. SUMMARY

Sexual harassment may be very difficult for some to report, especially in a prison environment where the fear of retaliation is common and genuine. Reporting sexual harassment can make victims feel embarrassed and confused. Like sexual harassment cases in non-prison environments, these cases are handled at the lowest level possible. Methods of reporting sexual harassment range from the victim notifying the next-highest

member in his or her chain of command, to formal grievance procedures. The unique characteristics of the prison environment make it especially difficult for victims to report sexual harassment, and Congress states that many cases go unreported. Consequently, it is extremely important to have set procedures in place for prisoners to report any type of harassment without fearing reprisal. SECNAVINST 5300.26D explains the importance of a work environment that is free from harassment, but the nature of the prison environment can often make the principles of this instruction difficult to uphold. It is therefore crucial for Navy Brigs to maintain specific standard operating procedures that relate to their distinctive setting. NAVCONBRIG Miramar SOPs 308 and 1007-6 are examples of these types of documents, and it is vital that all members of Navy Brigs, from the Commanding Officer to the newest prisoner, are trained on their applications. NAVCONBRIG Miramar conducts sexual harassment training at least on an annual basis, and new prisoners are given a thorough indoctrination on sexual harassment policy and grievance procedures.

IV. FEAR OF REPRISAL

A. INTRODUCTION

Regardless of who perpetrates a crime within a prison facility, whether a prisoner suffers at the hand of a staff member or another prisoner, fear of reprisal is common among inmates who may or may not report the incident. (Human Rights Watch, 1996, 1998; Bell et al., 1999; Alarid, 2000) Struckman-Johnson and Struckman-Johnson (2002) found that female inmates were not likely to report sexual harassment or coercion. “When asked why they did not report, inmates typically responded that they feared retaliation from the perpetrators, especially staff who could make prison life very difficult for them.” (p.226) Reporting an incident of sexual harassment, sexual abuse or sexual assault can cause a prisoner to endure greater harassment from other prisoners as well as corrections staff. Prisoners and staff members who engage in sexual harassment, abuse or assault are often secure in the knowledge that such incidents receive scant attention from facility administrators; they feel confident that they can continue such behavior without interference. In their 1996 report *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons*, Human Rights Watch found that “virtually every prisoner [they] interviewed who had lodged a complaint of sexual misconduct faced retaliation by the accused officer, his colleagues, or other prisoners. In some cases, they also faced punishment by correctional officials.” (p.10) In those cases where a corrections officer is reprimanded or fired, or a law suit is filed, other corrections officers follow a “code” and “make the prisoner pay” for daring to stop their behavior. (Human Rights Watch, 1996, 1998)

B. RETALIATION FROM STAFF

Incidents of sexual harassment and/or sexual misconduct are often committed by staff members who work at corrections facilities. (Human Rights Watch, 1996, 1998; Bell et al., 1999) Correctional staff members hold positions of authority over prisoners, and this power imbalance alone can prevent a prisoner from reporting an incident of sexual harassment or sexual misconduct. However, other factors often contribute to the prisoner’s reluctance to make a report.

1. Retaliation from Corrections Officers

Corrections officers use different means to retaliate against prisoners who report cases of sexual harassment or sexual assault that were committed by a staff member. Human Rights Watch found that many prisoners are harassed by corrections officers after bringing forth an allegation or agreeing to take part in an investigation. One prisoner reportedly stated that officers would say things such as, “you think that was bad, now you’re in my unit. Wait until you see what you get here.” (Human Rights Watch, 1996, p.55) This prisoner was subjected to further harassment from other corrections officers upon transfer to another prison. This continued harassment is a prime example of the “good ol’ boy network” that exists among prison guards. (Human Rights Watch, 1996, 1998)

Accused guards may rely on other guards or staff to take care of the situation for them. These guards will issue tickets against the accusatory inmates; they may be legitimate violations of rules and regulations for which tickets are not normally written, or they may be for contraband that was planted by an officer. Moreover, it is not uncommon for “dirty” guards to instigate the prisoners and goad them into a behavior for which they can assign a ticket. One prisoner reported being issued a ticket after requesting permission to use the bathroom. Permission was subsequently denied by a guard, and when she complained to him, he cited her for disruptive behavior. Prisoners who have made accusations find that they receive a heightened number of tickets for violations within the prison. Implications of being found guilty of the charge for which the tickets are levied include “warning[s], loss of phone and visitation privileges, being locked up in one’s own cell, or being placed on punitive segregation.” (Human Rights Watch, 1998, p.4) Accumulating several violations can cause a prisoner’s security status to change, as well as the loss of good behavior time accrued toward an early release. “As long as the accused guard does not issue the citations himself, he is insulated from any suspicion of retaliating against the inmate.” (Human Rights Watch, 1998, p.4)

Apart from receiving tickets, prisoners who report sexual harassment or sexual misconduct face other types of retaliatory behavior from corrections officers. Retaliation can take the form of excessive pat-frisks, which are used to inflict pain and humiliate the prisoners, showing them that they have no control. Some prisoners have been put into

protective custody; however, most guards do not differentiate between the prisoners placed in protective custody and those in punitive segregation. They therefore have privileges withheld because of their custody status that they would normally be afforded. Prisoners face verbal harassment, intimidation, and threats as well. One prisoner reported that “thinly veiled threats were made against her family. She chose not to speak at [the accused guard’s sentencing hearing] out of fear that something might happen to her child.” (Human Rights Watch, 1998, p.26) In their study of Michigan Women’s prisons, Human Rights Watch found that “the women believed they were being sent a clear message by the guards and the corrections department: any attempt to protect themselves from sexual abuse by reporting it would result in punitive actions by guards.” (1998, p.4)

Corrections officers work in a highly charged environment. They rely upon one another for safety and security. In essence, they take care of each other. This bond between the officers can extend beyond the care of prisoners to ensuring that officers do not “rat each other out.” Some take on this role willingly, others are forced into compliance.

Some officers find themselves in a state of conflict, knowing that the actions of their abusive coworkers are wrong, but realizing that they jeopardize their own jobs and/or safety if they are to come forward. One corrections officer stated:

[t]hey’re afraid of their supervisor setting them up and getting them fired. They’re afraid of some of the dirty officers doing things to them; setting them up, running them off the expressway, all the things they’ve been doing. A lot of them know what’s right and wrong, but they don’t have the guts to put up with it on a daily basis, the harassment they are going to have. (Human Rights Watch, 1998, p.30)

Guards who do come forward and report the illegal actions of coworkers face discrimination or black-listing within the corrections world. When questioned about why more corrections officers fail to come forward against abusive guards, one corrections officer stated:

How in the world are you going to protect them in this environment? You are going to have to guarantee them jobs within other state systems here; transfer them to another department ... because there’s no way they’re going to be able to function here afterwards. You can’t put them in another prison. There is not an officer here that doesn’t know people in at

least twenty other prisons. And word gets out before that person ever hits the front gate, word will get to that prison that they were a snitch. (Human Rights Watch, 1998, p.31)

If corrections officers are afraid to come forward against abusive coworkers, how are prisoners, who so often lack education, confidence, and trust in the system supposed to come forward and fight against their aggressors? Unfortunately, the guards are not the only antagonists with whom they must contend.

While prisoners often resort to the use of force when they desire a sexual relationship with an unwilling partner, prison guards do not always use force or the threat of force to get what they want. Instead, “officers abuse their authority by offering prisoners otherwise unavailable goods and services if they submit to sexual demands.” (Human Rights Watch, 1996, p.44) The officers are able to provide the prisoners with sundries which they would not normally receive. They can get special privileges, and have tickets written by other officers cleared. Some prisoners even receive monetary payments. They continue their relationships with the corrections officers mostly for the benefits, but sometimes they have true feelings for the officers. However, if the officer is having a relationship with one prisoner, it is highly probable that he is engaging in a similar relationship with another prisoner. If this second, or perhaps third, prisoner reports the relationship, the guard is forced to cease his activity with all of the prisoners. The other inmates resent losing the privileges, gifts, or love of which they have become so accustomed. Professor Rebecca Jurado, of Western State School of Law, confirmed this in the 1996 Human Rights Watch report:

The environment within the women’s prisons serves as a strong deterrent to raising complaints and filing grievances, particularly about issues such as sexual misconduct. Since both corrections officers and prisoners appear to profit from the most pervasive form of this abuse – the exchange of sexual favors for preferential treatment, money or goods – they oppose anyone who challenges the status quo. This gives rise to a climate hostile to complaints of sexual misconduct. (p.56)

2. Retaliation from Administrators

When prisoners file a complaint against corrections officers or other staff members, they typically do so through the grievance process. This process is sometimes difficult for prisoners to access, and often is not confidential. Human Rights Watch

found that in one state's prison system, "prisoners entering the system receive no training on how to use the procedure and many women do not know how to file a grievance." (1996, p.52) Furthermore, some prisoners were prevented by administrators from rendering assistance to other prisoners in their attempts to file a grievance. Difficulties are amplified by the fact that grievances are not always held confidential; corrections officers typically learn the identity of accusatory prisoners. Many prisoners are therefore hesitant to lodge complaints, because they know the officers will eventually learn that they complained. (Human Rights Watch, 1996, 1998)

Although many prisoners are hesitant to levy charges against prison employees, some find the courage to do so. One such prisoner cited by Human Rights Watch is Stacy Barker, who has been a plaintiff in several law suits against the Michigan Department of Corrections, including a class action lawsuit, *Nunn v. Michigan Department of Corrections* (*Nunn* suit). (1998, pp.1, 24) Ms. Barker has been successful in her claims against the Michigan Department of Corrections in court, however, that has not helped her within the confines of the prison. Ms. Barker originally entered custody in 1987, but received the brunt of the retaliatory practices after her successful civil suit and the filing of the *Nunn* suit in 1995. (Human Rights Watch, 1998, p.22) Ms. Barker faced increased scrutiny at the hands of the prison guards, as well as increased harassment and sexual harassment, which was capped off by repeated sexual assaults by one of the defendants in the *Nunn* suit. This caused Ms. Barker to attempt suicide, transfer to a psychiatric hospital for prisoners for observation, then back to a prison facility. When she arrived at the prison, she was placed in a housing unit for which one of the *Nunn* defendants was the unit officer. "Under oath, Deputy Warden Linda Gutierrez testified that Warden Sally Langley specifically decided to transfer Barker to the housing unit where the defendant worked. The deputy warden also testified that the warden virtually never makes housing placement decisions but made an exception in Barker's case." (Human Rights Watch, 1998, p.24) The prison warden was intent on making an example of prisoner Barker.

Prison administrators have other means at their disposal to retaliate against prisoners who file grievances or claims of sexual harassment. In some cases, the prisoners face harassment from the very people who are supposed to investigate their

claims. One prisoner reported sexual harassment as well as a prison guard's visits to her family's home -- both improper actions. The investigator charged with examining the allegations "opened her interview by asserting that she would not believe any charges of sexual misconduct, stating, 'Do you know how many girls say they've been sexually harassed? What do you want, to go home early?'" (Human Rights Watch, 1996, p.53) Other prisoners have found their cases thrown out without review, solely because they had levied allegations in the past. "Because a prisoner was disciplined at the time of an [alleged] incident and because she had received disciplinary tickets in the past, her allegation of wrongdoing was deemed merit less." (Human Rights Watch, 1996, p.53) Prisoners lose the primary means of fighting back against the corrections officers who perpetrate sexual misconduct, because many administrators refuse to recognize the problem.

3. Characteristics of Prisoners who Face Staff Retaliation

Not all prisoners face retaliation at the hands of staff members. While some complainants are ignored, others are hounded. If transferred, corrections officers ensure that certain prisoners carry a "troublemaker" label with them to their next facility. Retaliation against a prisoner is almost guaranteed if a corrections officer loses his/her job as a result of a claim or lawsuit that the prisoner filed. Regardless of whether the allegations were true and the action was just, other guards will punish the prisoner. Human Rights Watch found that:

The most vicious retaliation is aimed at the women who are perceived as articulate, strong, even charismatic leaders within the inmate population or women who have successfully challenged the abuse -- particularly if their challenge has resulted in a guard's losing his job. (1998, p.16)

By crushing the will of the strong inmates, by refusing to acknowledge a problem or through harassment, abuse, or assault, the corrections officers and prison administrators sanction the behavior of their colleagues. However, they are not the only ones who show such tendencies. Other prisoners can also lash out at fellow inmates for filing claims and retaliate in their own way.

C. RETALIATION FROM PRISONERS

Regardless of whether an inmate files a claim against a fellow inmate or a correctional facility staff member, the inmate can face retaliatory actions from other inmates. While these actions often occur when staff members are not present, they are often known behaviors and are sometimes even encouraged.

Prisoners have different reasons for retaliating against other prisoners, regardless of who perpetrated the crime. If a prisoner is reported and subsequently punished for sexual harassment or sexual assault, he/she may retaliate in anger. Other prisoners who are friends of the perpetrator might retaliate out of vengeance. Even when a prisoner is not immediately punished for his/her behavior, retaliation can occur. One prisoner reported that she suffered continued sexual harassment and fondling [at the hands of fellow prisoners] for weeks after being subjected to a gang rape in one of the cells. In her case, her report was ignored by prison officials. This prisoner faced similar behavior for several weeks. It was not until a prison nurse observed an assault that any action was taken. (Alarid, 2000)

Serving time in prison is punishment for a crime. Although the calendar moves at the same pace, time can seem to move slowly, or remain at a standstill, for a prisoner who faces continued retribution at the hands of other prisoners. Prisoners often expect a “code of silence” among themselves; they do not want to be “ratted” on and they will not “rat” on others. When a prisoner does “violate the code of silence or rats” on another prisoner, he/she will find himself at increased risk of sexual victimization. (Dumond, 2000, p.408-409) Anyone who breaks this code is subject to various forms of punishment, none of which are legal or just. Moreover, “admitting to having been raped in prison goes against the inmate code whereby status and power are based on dominance and gratification.” (Wooden and Parker, 1982, in Saum, Surratt, Inciardi and Bennett, 1995, p.418) Personal embarrassment, combined with fear may prevent inmates from filing a report. In effect, they are afraid of what will happen to them if they do.

D. COMMENTARY

The researchers found it interesting that they had great difficulty finding research that specifically related to inmate-on-inmate retaliation or retribution. While detailed information regarding staff-on-inmate retaliation was readily available, either through publications from human rights groups, news media, or published research, information regarding inmate-on-inmate retaliation was limited. As such, the section on inmate-on-inmate retaliation above is limited, but that should not lead the reader to believe that the researchers believe it is not a potential problem.

E. SUMMARY

Prisoners have the right to protect themselves from harassment and abuse, regardless of whether it comes from other prisoners or correctional facility staff members. However, by filing grievances, making accusations, or even participating in lawsuits, prisoners find themselves facing retaliatory actions. The retaliation does not have to come from the individual who actually committed the abuses. Instead, it often comes from other guards or prisoners as a means to insulate the perpetrators from further accusations. The retaliation that an inmate receives can be so aggressive and harmful that it serves as a warning for anyone else who might consider filing a complaint. One prisoner who reportedly suffered from sexual abuse by a corrections officer for two years refused to take any action once she realized that her identity would not be confidential. (Human Rights Watch, 1998) She would rather live with the abuse than risk retaliation.

Unfortunately, this prisoner's response is not uncommon. It may be difficult for those outside the prison system to comprehend, but when faced with the choice between continued abuse and the risk of retaliation, many prisoners see the abuse as the lesser of the evils. "The word is out that if you choose to file a complaint against a guard for sexual harassment, you may suffer from unrelenting retaliation and even loss of credit for good behavior and have your release date pushed back." (Human Rights Watch, 1998, p.30) Fear of retaliation is a real problem in correctional institutions. Prison officials must take diligent steps to ensure policies are in place to prevent retaliation and protect the inmates who have already suffered so much.

V. METHODOLOGY

A. INTRODUCTION

Survey instruments are used as a means to gather information about an organization. The style, design, questions, and administration of the survey depend on the timeline facing the researcher, as well as goals and budget constraints. Self-administered questionnaires are increasing in their use as a source of data collection. A properly conceived questionnaire will enable the researcher to pose the questions for which he seeks an answer. (Edwards, Thomas, Rosenfeld, and Booth-Kewley, 1997; Dillman, 2000) When creating a survey, the researcher must be aware of several factors, including potential error, question structure, proper wording and the ordering of questions.

1. Sources of Error

There are four main sources of survey error: sampling error, coverage error, measurement error, and non-response error. Sampling error occurs when the survey samples only a portion of the population. Coverage error exists when all of the elements of the population do not have an equal opportunity to be included in the survey sample. A third error, measurement error, occurs when an answer is inaccurate due to reliability or validity problems, is incomplete or cannot be compared to other results. Finally, non-response error occurs when significant numbers of people do not respond to the survey and have characteristics that are different from those individuals who do respond. (Dillman, 2000) Proper wording of questionnaires can help reduce measurement and non-response errors.

2. Question Structure

The structure of survey questions allows for three different forms: open-ended questions, closed-ended questions ordered response categories, or closed-ended questions with unordered response categories. (Dillman, 2000) Open-ended questions ask for the respondent to answer the question in his own words. These questions can be time consuming and may not provide the researcher with the information that he seeks, however, they also afford the respondent the opportunity to answer the question without outside influence. The usefulness of open-ended questions depends on the nature of the

survey. Open-ended questions allow respondents to “give their opinions fully and with as much nuance as they are capable of. [They] also allow respondents to make distinctions that are not usually possible with precoded formats and to express themselves in language that is comfortable for them.” (Sudman and Bradburn, 1982, p.150) Sudman and Bradburn further state that the use of open-ended questions is essential when delving into a research topic for the first time because they allow the researcher to look at the various aspects of the respondent’s opinion.

Closed-ended questions with ordered responses allow the researcher to gain an “evaluative response, unencumbered by thoughts of alternative or competing ideas.” (Dillman, 2000, p44) “The most widely used response format is the rating scale ... survey respondents provide ratings indicating how strongly they feel positively or negatively about an issue.” (Edwards et al., 1997, p.43) The Likert scale is one such scale commonly used in surveys. This type of question is advantageous, because it provides all respondents with the same scale for comparison, and is relatively quick and easy to answer. Closed-ended ordered response questions may be disadvantageous, however, in that they force people to choose from a set of alternatives. It is feasible that a respondent may not have an answer that fits within the given scale. Unordered, closed-ended questions require the respondent to choose an answer that best fits his situation. In some ways, this type of question takes more effort for the respondent to answer, because he must determine which of the alternatives is best, or possibly rank several different alternatives.

Combined open- and closed-ended questions are a hybrid of the alternatives listed above. In this category, the researcher gives the respondent a basic list of alternatives to choose from, but also includes a separate category, such as “other,” combined with the ability to write-in an answer, in case the researcher feels that the basic choices do not satisfy all the possible answers. This type of hybrid question may limit the researcher’s ability to make comparisons in his analysis, however; the hybrid responses could be analyzed separately, possibly to see any patterns in the responses. Analysis of potential patterns and response rates of write-in answers may provide a different benefit to the

researcher. (Dillman, 2000) Aside from the format of the questions presented in a survey, the wording which the researcher uses is imperative to obtaining a valuable answer, and limiting measurement error.

3. Wording

Proper wording of questions is paramount when devising a survey. “The researcher must be continually sensitive to the effect of question wording on the results that he will obtain.” (Babbie, 1973, p.144) Researchers can accidentally, or intentionally, introduce bias into the question with the addition of a few words. Identifying an attitude or position with a prestigious person or agency can bias a response. (Babbie, 1973) Moreover, Sudman and Bradburn (1983) state that “seemingly small changes in wording can cause large differences in responses.” (p.1) By leading the respondent with a question, the researcher can gain a desired outcome, whether conscious or unconscious.

4. Ordering Questions

How questions are listed on a questionnaire can have an effect on the way that they are answered. Sudman and Bradburn (1983) state that non-threatening questions should be asked first. To begin a questionnaire with threatening questions would make the respondent uneasy, and potentially limit the amount of information he is willing to share with the researcher. Moreover, Babbie (1973) writes that “the appearance of one question can affect the answers given to subsequent ones.” (p147) While the researcher needs to be cognizant of such issues, there often is not a lot that he can do. He goes on to say that for self-administered questionnaires, the most interesting questions should be placed at the beginning. That way, the respondent will want to continue with the questionnaire.

B. SURVEY ADAPTATION

The two survey instruments used in this study, one for staff and one for prisoners, were adapted from an original survey written and provided by Dr. Cindy Struckman-Johnson, of the University of South Dakota. Struckman-Johnson and Struckman-Johnson (2002) used the survey instrument in their evaluation of sexual coercion of female inmates in three Midwestern prison facilities. They used this instrument to “estimate what percentage of female inmates had experienced at least one incident of sexual coercion (broadly defined as pressured for forced sexual contact) while incarcerated,”

(p.3) as well as to determine prisoner and staff perceptions of the climate for sexual coercion within the facilities. Having civilian metrics against which DoN prison facilities could be measured was seen as a benefit to the researchers for the current study. Although knowledge of NAVCONBRIG Miramar's specific environment is important, without some basis of comparison, it is difficult to determine how well (or poorly) the facility may be doing with respect to its implementation of sexual harassment policies. For this to occur, we needed to ask many of the same questions (using the same wording) of the Struckman-Johnson survey to enable an accurate comparison. Additional questions were developed, however, to specifically examine issues related to sexual harassment which were not directly addressed in the original Struckman-Johnson survey instrument.

The purpose of the surveys used in this study was to determine the perceived and actual climate of sexual harassment and the extent of sexual coercion at NAVCONBRIG Miramar. Through data analysis, several questions were explored: How do the numbers of sexual harassment incidents compare with civilian prisons? Are there more occurrences among a particular race or ethnicity? Do inmates and staff feel they can report cases of sexual harassment or sexual assault without fear of reprisal? How do these results compare with civilian prison facilities? Are inmates and staff given sexual harassment indoctrination and training?

The surveys targeted all personnel who work or reside at NAVCONBRIG Miramar. Two survey instruments were used in this study, one for staff members and one for inmates. The two survey instruments were nearly identical; differences between the two focused primarily on demographic information. Included with each survey was a three-document information package for the respondent to keep. The documents included a participant consent form which outlined the purpose of the study, the procedures, confidentiality, the voluntary nature of the study, and points of contact. Also included were a minimal risk consent statement form, and a privacy act form. Since the surveys are anonymous, respondents did not have to return the forms.

C. STAFF SURVEY

The staff survey contains a total of 70 questions, divided into five sections. A copy of the staff survey can be found in Appendix A. The first section contains 12 questions on demographic information, time assigned to the facility or other prison facilities, primary job function(s), sexual harassment training, and definition of sexual harassment. The second section consists of seven questions used to determine the general atmosphere of the facility. Using a Likert-type response scale (four answer options ranging from “Never” to “Always,”) these questions focus on things such as whether prisoners can have free time undisturbed, and whether they know the rules of the facility. The third section of the survey asks questions about perceptions of sexual harassment and sexual coercion at the facility. Using a scale of 0 to 100 percent, the respondent is asked to estimate the percentage of prisoners who have been sexually harassed, sexually coerced, or have had sex willingly at the facility. A Likert-type response scale (1 = Definitely No to 7 = Definitely Yes) is used on a question asking whether the prison protects inmates from pressure or forced sexual contact. Additionally, open-ended questions ask what methods could be used to prevent sexual harassment, any known incidents of sexual harassment of others at the facility, and whether incidents can be reported without fear of reprisal. The fourth section of the survey asks questions based on whether or not the respondent has ever been sexually harassed while assigned to duty at NAVCONBRIG Miramar. The respondent is asked to describe the worst case of harassment, along with demographic information about the perpetrator(s), and the effect(s) of the harassment on the victim. Open-ended questions in this section include the location of the harassment (for both the facility name and the location within the facility), along with a description of what occurred. The respondent is also asked to write about known sexual harassment of others. The final section of the survey mirrors the fourth section, except that it asks information about forced/coerced sexual contact.

1. Survey Administration

The survey was administered to all staff members at NAVCONBRIG Miramar over a two-day period in June 2006. Prior to administration, Senior Enlisted staff members from each department were briefed by the researchers on the purpose and methodology of the survey. A question and answer period involving the Senior Enlisted

staff members and one of the researchers was conducted to ensure that the survey was administered in a consistent manner in each department. The Senior Enlisted staff members then delivered paper copies of the survey to their respective departments. Each survey included an envelope addressed to the researchers, along with a packet of information explaining the purpose of the survey, the privacy act, and participant consent. An emphasis was placed on anonymity and confidentiality. The researchers did not want to know the identity of any respondent and wanted to ensure that their responses would be confidential. The respondents were asked to initial a muster form to indicate that they had received a copy of the survey instrument and to ensure that everyone was afforded the opportunity to participate in the survey. Any staff member not present at the time of the survey administration, whether on leave, travel, or due to shift-work schedules, was given an additional sheet in his/her package that outlined the purpose of the survey and answered many of the basic questions that were likely to arise.

As participation is voluntary, staff members were not asked to confirm that they had filled out the form, or returned it to the researcher. They did, however, have the option of returning the survey to one of the researchers before her departure from NAVCONBRIG Miramar by placing it in a secure, central location, or placing it in the mail. Some respondents returned the completed survey, in a sealed envelope, to their Senior Enlisted Advisor, who then turned the surveys over to the researcher. No surveys appeared to be tampered with in any way. A researcher was available during the two-day period to answer any questions that staff members may have had regarding the survey. Contact information was also provided if questions arose at a later time. 119 staff personnel out of 196 possible respondents (60.7 percent) participated in the survey. Staff respondents included five civilians, 18 officers and 96 enlisted personnel. The prisoner survey was administered separately from the staff survey.

D. PRISONER SURVEY

The prisoner survey contains 55 questions, divided into five sections. A copy of the prisoner survey can be found in Appendix B. The first section contains six questions on demographic information, focusing on education, race age, gender, years of military service, and whether the respondent was held at another military facility. The second

section consists of eight questions used to determine the general atmosphere of the facility. Using a Likert-type response scale (four answer options ranging from “Never” to “Always”) these questions focus on things such as whether prisoners can have undisturbed free time, and whether they know the rules of the facility. In an open-ended question, the respondent is also asked to explain what constitutes sexual harassment at the end of this section. The third part of the survey asks questions about perceptions of sexual harassment and sexual coercion at the facility. From a scale of 0 to 100 percent, the respondent is asked to estimate the percentage of prisoners who have been sexually harassed, sexually coerced, or have willingly had sex at the facility. Another question, using a Likert-type response scale (1 = Definitely No to 7 = Definitely Yes) asks whether the prison protects inmates from pressure or forced sexual contact. The respondent is also asked what could be done to prevent sexual harassment, and whether or not incidents can be reported without fear of reprisal in open-ended questions. The fourth section of the survey asks questions based on whether or not the respondent has ever been sexually harassed while incarcerated at NAVCONBRIG Miramar. In an open-ended format, the respondent is asked to describe the worst case of harassment, along with demographic information about the perpetrator(s), and the effect(s) of the harassment. If the respondent has never experienced sexual harassment personally, he/she is asked to annotate any known incidents of harassment of others at NAVCONBRIG Miramar. The final section of the survey mirrors the fourth section, except that it asks information about forced/coerced sexual contact.

1. Survey Administration

The survey was administered to all prisoners at NAVCONBRIG Miramar, regardless of whether they were permanently assigned to NAVCONBRIG Miramar, or were there temporarily awaiting judicial proceedings. The survey was administered over a two-day period in August 2006. Anonymity and confidentiality of the respondents and their responses was a great concern. Each prisoner received a paper copy of the survey in an envelope addressed to the researchers. As was the case with the staff survey, participation by the inmates was voluntary. The inmates returned the survey to the researcher to hand-carry back to NPS (NAVCONBRIG Miramar staff did not handle the data). 139 out of 268 prisoners (51.9 percent) participated in the survey.

E. SUMMARY

Each staff member and inmate at NAVCONBRIG Miramar, assigned at the time of the study, was afforded the opportunity to participate in the voluntary survey, to voice his/her opinion about sexual harassment and sexual coercion that may or may not occur at NAVCONBRIG Miramar. The design and administration of the surveys addressed, to the fullest extent possible, the many sources of error. Sampling and coverage errors were limited to the extent possible through the survey administration, in that all personnel assigned to NAVCONBRIG Miramar at the time of the study were offered the opportunity to participate. Measurement error was overcome through the survey design. Questions were worded in such a manner to allow the researchers to compare the answers among the staff and prisoners. Moreover, because the survey questions were based on surveys used in other studies, the results could be compared with results attained in previous studies of civilian prisons. Although the survey instruments were administered at different time periods, the methodology for each was the same. Based upon the responses received from the staff and inmate surveys, the researchers were able to analyze the perceived and actual climate of sexual harassment and the extent of sexual coercion at NAVCONBRIG Miramar. These results are presented in the next chapter along with a comparison of findings of research conducted in civilian prisons. These comparisons are used as a basis for determining whether the current sexual harassment policies used at NAVCONBRIG Miramar are sufficient.

VI. SURVEY RESULTS

A. INTRODUCTION

This chapter describes the results of the surveys administered to NAVCONBRIG Miramar staff and prisoners. Copies of the surveys can be found in Appendices A and B. This chapter is divided into sections that discuss each portion of the survey. The first section discusses the methods the researchers used for comparing the data. Summary statistical analyses, t-tests, frequency tables and cross tabulation are the primary methods for analyzing the survey data.

The second section describes demographic data of the staff and prisoners. The third section compares the opinions of staff and prisoners with regard to general information about practices that take place within the prison. Examples are how many hours each day inmates spend talking with friends and whether or not prisoners know the facility rules. These questions are based on a Likert-type response scale (four categories ranging from 1 to 4, with 1 being low and 4 being high for the characteristic.)

The fourth section describes the difference between staff and prisoner sexual harassment training occurrences. It is important to note that in this section, the researchers are comparing the results of what sexual harassment training respondents claimed to have received, not actual training records. The researchers compared answers to this question, instead of training records, to better understand what prisoners feel constitutes sexual harassment. This section also discusses prisoner and staff perceptions of the percentages of prisoners who have been sexually harassed while at NAVCONBRIG Miramar, what percentage of prisoners have been pressured into sexual contact and what percentage of prisoners willingly have sex within the prison.

The fifth section discusses incidents of sexual harassment that respondents claim to have taken place and the effects of the harassment. It also examines the relationship between the willingness of a victim of sexual harassment to report incidents of sexual harassment and whether they feel they can report incidents without fearing reprisal from perpetrators.

The sixth section compares the findings of this survey with the findings of the following categories from surveys conducted by Struckman-Johnson and Struckman-Johnson (2002): number of staff and prisoners; staff to prisoner ratios; gender of prisoners; prisoners reporting incidents of forced sexual contact; staff and prisoner estimates of how many inmates are pressured or forced into sex and staff and prisoner estimates of protection from sexual harassment. Comparing NAVCONBRIG Miramar's results with those of civilian prisons allowed the researchers to better understand the adequacy of NAVCONBRIG Miramar's sexual harassment policies and practices.

The final section of this chapter discusses results from open-ended questions contained in the survey. First, staff and prisoners provide opinions regarding ways to prevent sexual harassment in confinement facilities. Next, this section introduces answers by staff and prisoners concerning what they feel constitutes sexual harassment. Lastly, this section discusses details of sexual harassment incidents experienced by staff and prisoners.

B. METHODS OF COMPARISON

Descriptive statistics are used to summarize a set of observations and allow sample comparisons. The mean is included as a measure of central tendency, which refers to the average response for a data set. The median also measures central tendency and is used to compensate for extremes in a data set. The researchers use the mean and median to compare the average responses to general questions presented throughout the survey. The standard deviation is used to determine the spread of the distribution in each of the samples, for variables analyzed.

Frequency tables are a simple method for analyzing categorical data, such as the demographic section of the survey. Cross tabulations are used to examine frequencies of observations that belong to particular categories of more than one variable. In some cases, continuous variable data (i.e., age), have been converted to ranges. For example, the researchers converted age into three distinct ranges: 18-25 year olds are in range (1); 26-35 year olds are in range (2); individuals 36 and older constitute range (3). These conversions facilitate the use of continuous variable data in cross tabulations. A two-

independent-sample t-test was used to compare the means of the normally distributed interval dependent data for staff and prisoners. This allowed the researchers to determine the statistically significant difference between the means for staff and prisoner responses.

C. DEMOGRAPHIC COMPARISONS

Determining the demographic make-up of the prison allowed the researchers to gain a better understanding of the overall prison population. NAVCONBRIG Miramar's staff-to-prisoner survey respondent ratio was nearly identical (1.18 to 1). Staff and prisoners were asked to provide demographic data in the following categories: race, age, gender, previous prison experience, highest education obtained and years of military service. The demographic portions of the staff and prisoner surveys varied slightly in order to protect the identities of prisoners. For example, identifying demographics such as age and years of service were converted to ranges. This not only helped to facilitate the use of cross tabulations but also helped protect prisoner identities. One-hundred nineteen staff personnel out of 196 possible respondents (61%) participated in the survey, whereas 139 out of 268 prisoners (52%) took part in their survey. Staff respondents included five civilians, 18 officers and 96 enlisted personnel. Staff and prisoner respondent demographics for race and gender are given in Tables 4 and 5.

Table 4. Staff Respondent Demographics

Race	Number of Observations	Percent of total observations	Number of males	Percent of total observations	Number of females	Percent of total observations
African American	16	14	12	10	4	3
White	58	49	41	35	17	14
Asian	17	14	17	14	0	0
Native American	3	3	0	0	3	3
Hispanic	17	14	7	6	10	8
Other	7	6	5	4	2	2
Total	118	100	82	69*	36	30*

* Error due to rounding

Table 5. Prisoner Respondent Demographics

Race	Number of Observations	Percent of total observations	Male	Percent of total observations	Female	Percent of total observations
African American	32	23	14	10	18	13
White	72	52	64	46	8	6
Asian	6	4	6	4	0	0
Native American	3	2	3	2	0	0
Hispanic	18	13	13	9	5	4
Other	8	6	7	5	1	1
Total	139	100	107	76	32	24

Overall, staff and prisoner respondent demographics are similar. One exception involves female staff and prisoners. As noted by comparing Tables 4 and 5, there are more than three times (13/4) as many female African American prisoner respondents as there are female African American staff respondents. By comparison, nearly the opposite is true for numbers of white female staff and prisoner respondents; there are nearly 2.5 times more white female staff member respondents as there are white prisoner respondents.

Due to rotations of military service members and federal civilian employees, staff that has had previous prison working experience is limited. Not only have few staff had experience in prisons prior to NAVCONBRIG Miramar, but the overall staff experience level, including guards and support staff, within the facility is limited by military rotations. Of the 119 staff-members who responded to the researchers' question regarding previous prison experience, only 20 (17%) claimed they had previous prison experience. Of these, 13 military and 5 civilian staff responded to the researchers' question regarding duration of previous experience. The average duration of previous experience for these 18 was 4.53 years, which is skewed significantly by one civilian respondent's 20 years of previous experience. Using the median instead of the mean, to compensate for this respondent, the amount of previous experience, among those that have previous experience, falls to 3.25 years. None of the 4 officer personnel, and only

13 out of 95 enlisted personnel, claimed to have previous prison experience. The average duration of previous prison experience for staff enlisted personnel, among those who have had previous experience working at a prison, is roughly three years – or the length of a common military rotation. Overall, prior prison experience for military personnel at NAVCONBRIG Miramar is approximately 4 months. Civilian prison staff possesses more experience than military prison staff, since civilians are not limited by military rotations. Military staff, prison guards in particular, may not be subject to the “good ol’ boy network,” as mentioned in Chapter IV, which is sometimes present at civilian prisons.

Education levels of staff and prisoners did not vary extensively. Since U.S. Naval service requires a high school degree or equivalent, little difference was expected among numbers of high school graduates. Somewhat surprisingly, 60 percent of prisoner respondents claimed they had completed some college; the same number of prisoners as staff members claimed they had college degrees. There is a greater percentage of prisoners (40% compared to 27%) that have only completed high school and a greater percentage of staff (12% to 1%) that have graduate degrees. Education level comparisons are given in Table 6.

Table 6. Education Level Comparison

Education Level	Staff N=120	Staff Percent	Prisoners N=139	Prisoner Percent
High School	32	27	56	40
Some College	56	47	64	46
College Degree	17	14	17	12
Graduate Degree	15	12	2	1
Total Observations	120	100	139	99*

* Error due to rounding

D. GENERAL INFORMATION OPINION SECTION

This section describes results obtained from page 2 of the staff and prisoner survey, which contains questions regarding perceptions of staff and prisoners regarding common practices they feel take place at NAVCONBRIG Miramar. Staff and prisoner general information opinion results are described in Table 7. Each response was a Likert-type question, where the mean ranged from 1 to 4 for each question, with 1=never, 2=seldom, 3=often and 4=always.

Table 7. Staff and Prisoner General Information Opinions

Variable	Staff Mean and (Standard Deviation)	Prisoner Mean and (Standard Deviation)	t-statistic	Degrees of Freedom
Inmates talk with friends	3.17 (.70)	3.12 (.81)	.544	252
Inmates are with friends at night	2.84 (.84)	2.65 (.88)	1.73	246
Staff encourages inmates with hobbies	2.83 (.63)	1.89 (.74)	10.66***	249
Inmates know the rules	3.29 (.60)	3.12 (.50)	2.53***	254
Staff help inmates with problems	3.27 (.57)	2.47 (.68)	10.13***	254
Inmates can be alone without being disturbed	2.58 (.70)	2.23 (.78)	3.79***	251
Inmates know what will get them written up	3.45 (.56)	3.00 (.64)	5.98***	254

Staff observations ranged from 116-120; Prisoner observations ranged from 132-136

** Significant at 5 percent level

*** Significant at 1 percent level

As demonstrated in Table 7, both prisoner and staff respondents feel that prisoners often talk with their friends. Staff and prisoners feel that prisoners spend time with their friends at night more than seldom but less than often. The results indicate that there is no statistically significant difference between the mean score for staff and prisoner perceptions about the amount of time inmates spend talking with friends;

however, there is a statistically significant difference between staff and prisoner opinions for all other categories. Prisoner respondents feel that staff members seldom encourage prisoners with new hobbies (mean=1.89), an opinion inconsistent with staff respondents (mean=2.83). Both staff and prisoners feel that prisoners often know the facility rules and what constitutes being written up by staff members, but staff members rate these questions higher (mean=3.29 and 3.45, respectively) than prisoners (mean=3.12 and 3.00, respectively). There is a significant difference between staff and prisoner perceptions regarding whether staff members help prisoners with problems. Prisoners feel that staff helps them with problems between seldom and often (mean = 2.47), whereas staff members' mean rating on this question was significantly higher (3.27). This difference should be important to NAVCONBRIG Miramar senior staff, since this issue could relate to staff protecting prisoners from harassment from other staff and other prisoners. Perhaps prisoners feel they cannot go to staff with problems and therefore fail to report incidents of sexual harassment. Both staff and prisoners feel that prisoners are between seldom and often able to be alone without being disturbed. The majority of prisoner opinions for this category range closer to seldom (mean=2.23), whereas staff opinions are closer to often (mean=2.58).

E. SEXUAL HARASSMENT TRAINING AND PERCEIVED SEXUAL HARASSMENT OCCURRENCES

This section describes the results of a question as to whether or not respondents had received sexual harassment training and are shown in Table 8. This segment also discusses perceptions regarding percentages of prisoners who have experienced incidents of sexual harassment and willing or unwilling sexual contact. Respondents were given a choice of percentage, ranging from 0 to 100 in increments of 10 and were asked to circle their best guess. These results are shown in Table 9.

Table 8. Received Sexual Harassment Training

	Staff N=119	Staff Percent Received Training	Prisoners N=139	Prisoner Percent Received Training
Yes	112	94	64	46
No	7	6	75	54
Total	119	100	139	100

As described in Table 8, less than half of the prisoners that responded to this question said they had received sexual harassment training since arriving at NAVCONBRIG Miramar. There are several reasons that may account for this discrepancy. First, some respondents had just arrived at NAVCONBRIG Miramar; therefore, they may not have been there long enough to receive sexual harassment training yet. Although the researchers were not allowed to ask how long prisoners had been at the current facility, it is not likely that this can explain the percentage of inmates claiming they had not received training. Second, since the researchers could not ask how long prisoners had been at NAVCONBRIG Miramar, they were unable to determine how long it had been since they had received sexual harassment training. Therefore, it is possible that prisoners received the training but simply forgot about receiving it. This may indicate that the training should receive more emphasis, so prisoners know they have received it. Finally, it is also possible some prisoners answered “no” to give the impression NAVCONBRIG Miramar is insufficient in its sexual harassment training practices. Measuring this percentage against actual training records would aid in clarifying this finding. Table 9 is displayed on the following page.

Table 9. Staff and Prisoner Sexual Harassment Opinions

Variable	Staff Mean Percent and (Standard Deviation)	Prisoner Mean Percent and (Standard Deviation)	t-statistic	Degrees of Freedom
Percentage of prisoners you think have been sexually harassed	16 (.20)	30 (.28)	4.52***	255
Percentage of prisoners you think have been pressured into sexual contact	7 (.16)	8 (.15)	.498	254
Percentage of prisoners you think willingly have sexual contact	27 (.33)	31 (.50)	.716	253
Estimate of staff protection from sexual assault and harassment ^a	6 (1.69)	5.0 (2.25)	3.56***	258

Staff observations ranged from 119-120; prisoner observations ranged from 136-137.

^a Rating scale was 1 to 7 where 1 refers to opinions of “definitely no” for staff protecting prisoners from sexual assault and harassment; 7 refers to “definitely yes”

*** Significant at the 1 percent level

As demonstrated in Table 9, prisoners report nearly twice the rate of prisoner’s being sexually harassed as that reported by staff. While this does not describe actual numbers of prisoners who have been sexually harassed, it does demonstrate that prisoners feel there is a higher occurrence of sexual harassment than is perceived by staff. This table shows evidence that staff and prisoners report an equivalent percent of prisoners as having been forced into sexual contact; there is no statistically significant difference between the mean responses to this question. Likewise, staff and prisoners report that similar percentages of prisoners willingly have sexual contact, even though this is prohibited within NAVCONBRIG Miramar. This percentage should be of concern to staff members since they are charged with ensuring willing sexual contact among prisoners does not take place. These results suggest that there may be a need for more enforcement and training of staff with regard to policies concerning willing sexual contact. As demonstrated by t-test, there is a significant difference between staff and prisoner estimate of protection from sexual assault and harassment, although both estimate the level of protection as fairly high (5.92 and 5.0, respectively, on a scale of 1

to 7). It is interesting that prisoners rate this category somewhat high, even though less than half of the responding prisoners feel they can report sexual harassment without fear of reprisal, which will be discussed in Section F.

F. EXPERIENCED SEXUAL HARASSMENT AND FEAR OF REPRISAL

This section describes the results of answers to whether or not staff and prisoner respondents have personally experienced sexual harassment while in prison (Table 10) and the effects the harassment had (Table 11). Staff and prisoners were given a range from 1-7 to describe the extent to which the incident upset them and the lasting effect it had on them. 1 was considered not upsetting, and 7 considered very upsetting. Similarly, 1 was considered no lasting effect, and 7 considered severe lasting effect. This section also describes the opinions of staff and prisoners with regard to whether or not prisoners feel they can report incidents of sexual harassment without fearing reprisal from staff members or other prisoners (Table 12).

Table 10. Sexual Harassment Experiences of Staff and Prisoners

	Staff N=121	Prisoners N=135
Number Who Experienced Sexual Harassment	18	35
Percentage	15	26

As described in Table 10, nearly twice as many prisoners as staff claim to have been sexually harassed while in a prison facility. The percentage of prisoners reporting they have been sexually harassed at NAVCONBRIG Miramar is 23 percentage points higher than what is normally reported for naval brigs (26 versus 3, as reported by the Bureau of Justice Statistics) (U.S. DOJ, 2005b). It is possible that some prisoners falsely claim to have been sexually harassed, but this is unknowable by the researchers' survey method.

Table 11. Sexual Harassment Effects

Variable	Staff Mean and (Standard Deviation) (N=18)	Prisoner Mean and (Standard Deviation) (N=33)	t-statistic	Degrees of Freedom
upset	3.22 (2.18)	4.87 (2.12)	2.64**	49
lasting	2.35 (1.84)	3.67 (2.27)	2.05**	48

** Significant at the 5 percent level

As determined by t-test, there is a significant difference in staff and prisoner means for degree of upset and lasting effects of harassment. Table 11 shows that prisoner respondents report having an upset effect that is 1.5 times more than staff respondents. Likewise, prisoner respondents also report approximately a 1.5 times greater lasting effect from a sexual harassment experience than staff respondents. It is difficult to determine the reason for this, since it would require individually interviewing each respondent. The researchers' requests for interviewing prisoners were disapproved in favor of conducting surveys.

Table 12. Prisoners Can Report Sexual Harassment Without Fearing Reprisal

	Staff N=98	Percent	Prisoners N=105	Percent
No	22	22	44	42
Yes	70	71	43	41
Depends	6	6	18	17
Total Observations	98	99*	105	100

*Error due to rounding

Table 12 shows that staff members feel prisoners are 30 percent more able to report incidents of sexual harassment than prisoners report they are. Only 41 percent of prisoners feel they would be able to report an incident without fearing reprisal from either staff members or other prisoners. Respondents to this question were asked to explain why they felt they were unable to report incidents. Of these respondents, 15 staff members and 19 prisoners explained their reasoning – all had something to do with

fearing reprisal or retribution from their perpetrator or others. There is a discernable difference between staff and prisoner opinions regarding fear of reprisal. These results show that there may be a need to emphasize to prisoners, during sexual harassment training, that they should feel secure in reporting incidents of sexual harassment. Otherwise, many incidents may continue to go unreported.

One reason that staff members may feel prisoners can report incidents of harassment without fear of reprisal is that, in general, the military staff members are assigned to duty at prison facilities for short time periods (less than 3 years). Moreover one-time assignments to prison duty do not allow staff members to develop a “network” similar to that which exists among guards across civilian facilities. The military members may feel “immune” to such things.

G. COMPARISON BETWEEN NAVCONBRIG AND CIVILIAN FACILITIES

This section compares results from staff and prisoner surveys conducted at NAVCONBRIG Miramar with results from several civilian prison facilities. This comparison allows the researchers to contrast the civilian and military sexual harassment policies and offer further recommendations. The comparison surveys for civilian facilities are found in Appendices C and D. Appendix C displays findings from a study of three women’s facilities conducted in 2002; Appendix D displays findings from seven male facilities conducted in 2000. Comparisons are made between them and NAVCONBRIG Miramar in Table 13.

Table 13. Comparison Between NAVCONBRIG and Civilian Facilities

Characteristics	NCBM	Female Prison 1	Female Prison 2	Female Prison 3	Male Prison 1	Male Prison 2	Male Prison 3
Sample Size Prisoners	139	148	79	31	461	430	270
Sample Size Staff	121	30	13	57	109	59	143
Prisoners reporting incidents of forced sexual contact	2 (1%)	40 (27%)	7 (1%)	3 (10%)	24 (5%)	21 (5%)	26 (10%)
Staff average % estimates of prisoners forced into sex	7%	10%	2%	4%	18%	29%	12%
Prisoner average % estimates of prisoners forced into sex	8%	21%	11%	13%	27%	41%	24%
Staff estimate of protection from sexual assault and harassment (1-7)*	5.92	5.1	6.7	6	4.8	4.2	5.7
Prisoner estimate of protection from sexual assault and harassment (1-7)*	5.02	3.0	5.5	5.2	2.4	2.1	2.8

* 1 refers to opinions of “definitely no” for staff protecting prisoners from sexual assault;
7 refers to “definitely yes”

Table 13 Continued. Comparison Between NAVCONBRIG and Civilian Facilities

Characteristics	NCBM	Male Prison 4	Male Prison 5	Male Prison 6	Male Prison 7
Sample Size Prisoners	139	232	196	174	25
Sample Size Staff	121	46	61	57	N/A
Prisoners reporting incidents of forced sexual contact	2 (1%)	14 (6%)	4 (2%)	14 (8%)	16 (64%)
Staff average % estimates of prisoners forced into sex	7%	18%	11%	4%	N/A
Prisoner average % estimates of prisoners forced into sex	8%	13%	17%	12%	7%
Staff estimate of protection from sexual assault and harassment (1-7)*	5.92	5.0	6.2	6.0	N/A
Prisoner estimate of protection from sexual assault and harassment (1-7)*	5.02	3.0	3.9	4.6	4.6

* 1 refers to opinions of “definitely no” for staff protecting prisoners from sexual assault; 7 refers to “definitely yes”

As demonstrated by Table 13, NAVCONBRIG Miramar shares the lowest rate of prisoners reporting forced sexual contact of the 10 prisons being compared. The civilian prison that has the same rate (1%) is an all-women’s facility, which typically have lower rates of harassment and coercion than co-ed or all male facilities. Table 13 also shows that NAVCONBRIG Miramar staff estimate the fourth-lowest percentage of prisoners

that have been forced or coerced into sexual contact. NAVCONBRIG Miramar prisoners estimate the second lowest number of forced sexual contact incidents among all of the prisons.

The results of Table 13 lead the researchers to believe that NAVCONBRIG Miramar's policies and training towards sexual harassment are more than adequate when compared to the civilian facilities listed, although recommendations will be given in Chapter VIII. Civilian co-ed facilities were not available for comparison, which would have provided a better evaluation, since NAVCONBRIG contains both male and female prisoners. The Bureau of Justice Statistics (U.S. DOJ, 2005b) reports that military prisons report among the lowest incidents of sexual harassment, assault and rape; the results of Table 13 seem consistent with these findings.

H. STAFF AND PRISONER OPEN-ENDED QUESTIONS

Portions of the staff and prisoner surveys asked for opinions regarding the following topics:

- Methods for preventing sexual harassment in prison facilities
- What they feel constitutes sexual harassment
- Details of sexual harassment incidents

This section provides answers to these questions in tabular form and discusses any major differences between responses. Answers regarding prevention of sexual harassment are provided in Tables 14 and 15. Answers to what staff and prisoners feel constitute sexual harassment are given in Tables 16 and 17. Staff and prisoner details of sexual harassment incidents are made available in Tables 18 and 19. As discussed in Section F, there were 18 staff and 33 prisoners that reported sexual harassment incidents. Of those that reported incidents, 11 staff and 22 prisoners provided details. For simplicity, only ten answers are provided for discussion purposes. The ten answers were chosen because they were either most illustrative of themes, or were less frequent but informative. All responses can be found in Appendices E-Q.

Table 14. Select Staff Responses to Sexual Harassment Prevention Methods

Respondent	Prevention Method
1	The inmates should have more training involving what constitutes sexual harassment. The staff gets the training but some still unconsciously do or say things in a joking manner.
2	Keep males and females apart at all times with no CONTACT! Have only one prisoner per cell to prevent any assaults in their cells.
3	Keep females and males separate.
4	Tighten up security by adding staff and security cameras
5	[Provide] more high-level training and SAVI training for senior staff.
6	[Provide] more staff so we could have more eyes to watch prisoners.
7	[Sexual Harassment] cannot be prevented.
8	Keep prisoners in their cells – more supervision.
9	Consistent enforcement of the rules, upfront education on sexual harassment and sexual assault
10	Utilize current policy. Ensure strict compliance with policy with harsh penalties for non-compliance.

While staff responses concerning methods for sexual harassment prevention varied, some themes were consistently noted. Of the 121 responses, 33 (27%) said some form of continued training would aid in sexual harassment prevention. Sixteen responses (13%) stated that supervision was important, and 20 responses (17%) stated that separating male and female prisoners was significant in reducing sexual harassment incidents. Only two respondents claimed that sexual harassment could not be prevented.

Table 15. Select Prisoner Responses to Sexual Harassment Prevention Methods

Respondent	Prevention Method
1	Let prisoners know sources and consequences of actions. Provide counseling.
2	Stringent punishment for offenders
3	By staying aware and keeping your mouth shut
4	Complete segregation of male and females, including guards.
5	Training the staff, hold them accountable.
6	Introduce guidelines and procedures on how to handle the situation or an approaching situation in a constructive way. Train staff members on the proper techniques to avoid any confusion.
7	Do not let males work with the females. Keep contact between male and females as minimal as possible.
8	More training and being sure prisoners know they have people to come to if such things occur.
9	Have staff members more watchful of what prisoners are doing.
10	Teach everyone what constitutes sexual harassment, how to avoid it, confront it and report it.

Interestingly, only twelve percent of prisoner respondents (N=9), less than half that of staff respondents, claimed that some form of training or education was needed to prevent further incidents of sexual harassment. Eleven prisoner respondents (15%) claimed that some form of segregation of males and females was needed. No other themes were recognized, but other methods mentioned included punishment, supervision and awareness. Only one respondent claimed that nothing could be done to prevent sexual harassment. Among the prevention methods given by both staff and prisoners, separation of males and females and training were the most frequently given.

Table 16. Select Staff Responses to What Constitutes Sexual Harassment

Respondent	Answer
1	Any[thing] sexual in nature comments or gestures.
2	Unwanted sexual advances.
3	Unwanted or unwelcome gestures, comments, physical touching from one coworker to another. Normally used as a power play by a superior.
4	Verbal or obscene gestures that make you feel uncomfortable.
5	Any comments or gestures that can be viewed as inappropriate or harassing. Can be male to male, male to female, female to male, female to female.
6	Use of sexually explicit language, pictures, jokes, etc. that others find offensive. Abuse of authority for sexual favors, threats of punishment for non-compliance.
7	Relations between two individuals enlisted - officer or any relation that will effect work environment. Taking advantage of position to achieve a personal interest to a lower rank.
8	Sexual harassment may include sex discrimination, requests for sexual favors, sexual advances and/or unwelcome verbal statements or physical contact.
9	Any unwanted verbal or physical action towards another person.
10	Sexual favors, unwanted advances.

Of the 119 staff responses, 56 (47%) claimed that sexual harassment had to be unwanted or unwelcome. Sixty-five respondents (55%) stated that the act needed to be sexual in nature, and nine respondents (8%) stated that it had to make the victim uncomfortable. Of particular concern is that only seven responses (6%) included both unwanted or unwelcome *and* sexual in nature. Since both are included in the SECNAVINST 5300.26D definition, additional training is suggested.

Table 17. Select Prisoner Responses to What Constitutes Sexual Harassment

Respondent	Answer
1	Any sexual approach, contact or comment that is not welcomed.
2	Any unwanted sexual comment or physical touch.
3	Any form of unwanted physical, verbal or written conduct unbecoming and taken offensively
4	Unwanted sexual attention towards someone or yourself
5	Touching in [a] wrong[ful] matter, threats, gestures, sexual comments
6	Any unwanted act that is usually referred to as sexual harassment
7	Unnecessary physical or verbal threats imposed by the other or even same sex having to do with a sexual nature
8	When someone touches another in a sexual content and it's not wanted or speaks to someone dealing with sexual things when it's not wanted.
9	Someone wanting or telling you sexual stuff without you wanting [them to].
10	The use of sexually suggestive comments or actions toward another.

Prisoner responses regarding the definition of sexual harassment were consistent with staff responses in that few (7%) described it as including both unwanted or unwelcome *and* sexual in nature. A higher percentage of prisoners than staff (65% versus 55%) stated that the act had to be sexual in nature. Further, a higher percentage of prisoners (52% versus 47%) claimed the act needed to be unwanted or unwelcome. The results of Tables 16 and 17 lead the researchers' to surmise that prisoners may be clearer on their understanding of sexual harassment, since a greater percentage at least got the definition half-right. This is interesting considering that 94% of staff, compared to 46% of prisoners, claims to have received sexual harassment training. Perhaps greater emphasis should be placed on training staff and prisoners that sexual harassment must involve *both* unwelcome or unwanted acts that are of a sexual nature.

Table 18. Details of Select Staff Sexual Harassment Incidents

Respondent	Answer
1	Just comments about how I smell good - kissing noises (cat calls) etc
2	Looking me up and down, comments, things of that nature. They can't help it.
3	During an inappropriate counseling, my leader began massaging my shoulders and back and talking dirty
4	Both incidents prisoners spoke in a sexually explicit manner
5	Asked me to go around the dark corner. She told me to close my eyes and relax my lips. So I did it since she was an officer. Next thing you know we were doing things.
6	They would make gestures or comments. A female working in an all male prison is almost expected to have something [harassment] of that nature occur.
7	One instance involved verbal sexual language; One instance involved physical intimidation of sexual nature (cornered me)
8	The prisoner was asking personal questions and sexual affiliation, she stated that I should "get with some girls"
9	Female prisoner made sexual comments and gestures about what she would do if she was on the outside
10	Sexual in nature jokes. Also prisoner and staff would come on to me by saying they would "f" me.

The majority of staff sexual harassment incidents involved prisoners either making inappropriate comments or giving staff inappropriate looks or gestures. There were no incidents involving prisoners that would normally be considered serious, such as grabbing the staff member or coercing them into sexual action. This could explain the somewhat low (below midpoint) ratings of “upset” and “lasting” presented in Table 11. There were two serious incidents involving other staff members, which occurred at former prisons. These were responses three and five. Since these episodes relate to the staff-staff relationship, and had nothing to do with the prison environment, they are similar to other acts of sexual harassment at non-brig facilities.

Table 19. Details of Select Prisoner Sexual Harassment Incidents

Respondent	Answer
1	During processing, while conducting a strip search, the guard commented that my chest and pubic areas were trimmed. He said that I must be trying to make a good impression. This was done in front of others.
2	I was being harassed because I was convicted of molestation, and he somehow got that info and used it to harass me.
3	Male prisoner here as a sex offender exposed himself to me along with two other females.
4	Two people made comments during a strip search.
5	Male prisoner grabbed my chest while I was walking by them in the courtyard.
6	Two males make sexual innuendos towards me.
7	Unwanted flirtation, sexually crude and explicit comments.
8	Standing in line on the way to chow, prisoner smacked me on my bottom while she was walking by.
9	Said female constantly makes sexual innuendos and gestures towards me and plenty of others. The only reason I get uncomfortable is I do not want the staff to think I am involved with her. Otherwise, I could just laugh it off.
10	Person insists on doing annual exams, calls in for talks, makes me put my hair down, not the only one, threatened to withdraw service their job supplies me.

All prisoner responses regarding incidents of sexual harassment involved the opposite sex. There were no incidents described that involved homosexual relationships. There were only four incidents involving the prisoner-staff relationship; the majority involved male and female prisoners. This suggests that perhaps further segregation, as suggested by many respondents, might be necessary in order to alleviate further sexual harassment incidents.

I. SUMMARY

This chapter has discussed the results of nearly identical surveys completed by 119 staff and 139 prisoners of NAVCONBRIG Miramar. Modifications were made to the demographics portion of the prisoner survey in order to protect prisoner identities. This chapter was created to closely match the order of questions on the surveys (see Appendices A and B). The following areas were provided for review: methods of comparison; demographic comparisons; general information opinions; sexual harassment training comparisons and perceived sexual harassment occurrences; sexual harassment incidents and their effects; comparisons between NAVCONBRIG Miramar and civilian facilities and selected answers to open-ended questions regarding methods of preventing sexual harassment, sexual harassment definitions and details of sexual harassment incidents.

The survey results offer some interesting insights into sexual harassment trends and experiences within NAVCONBRIG Miramar. Of particular interest is the fact that less than half (46%) of the prisoner respondents claimed they had received sexual harassment training while at NAVCONBRIG Miramar. Also of note is that less than half (41%) of the prisoner respondents feel they could report an incident of sexual harassment without fearing retribution by either another prisoner or a staff member. Staff and prisoners also feel that there are high incidents (27 and 31 percent, respectively) of prisoners willingly having sex within the facility. This is reason for concern, since this is expressly forbidden within the command. While the number of prisoners that have had documented sexual harassment training is most likely greater than those that reported having it, the fact remains that either prisoners have not had training, do not remember having training or do not want to admit they had training. This leads the researchers' to conclude that NAVCONBRIG Miramar may wish to restructure and reemphasize the importance of their prisoner sexual harassment training program. The following chapter will discuss staff and prisoner training material.

VII. TRAINING PRACTICES

A. INTRODUCTION

When the researchers were initially approached to conduct this study, one of the early questions that they were asked revolved around how to apply the DoN's standard sexual harassment training to the prison facility. If this could not reasonably occur, what type of training should be offered to the staff and prisoners? Throughout the course of this study, the researchers had opportunities to review materials developed by different correctional institutions regarding the prevention of sexual misconduct within the correctional setting. According to the National Institute of Corrections definition, "sexual misconduct is defined as sexual behavior, contact, or relationships," (U.S. DOJ, 2000, p.1) including sexual harassment, between correctional staff and/or inmates. Sexual misconduct can occur as inmate-on-inmate misconduct, staff-on-inmate misconduct, or staff-on-staff misconduct.

The purpose of this chapter is to review selected training materials, identify best practices, and form recommendations about possible changes in training for staff members and inmates of NAVCONBRIG Miramar. Some materials we reviewed were developed specifically for prisoners, while other materials were developed for staff members. Training material intended for staff was more readily available to the researchers. In a 2001 National Institute of Corrections video teleconference, *Addressing Staff Sexual Misconduct with Offenders*, the panel members stated that good training requires several key elements including; an overview of rules and regulations, definitions and examples of inappropriate contact, multiple means of reporting incidents; and that the training is written in simple language. Ensuring that training is developed in simple language enhances the probability that the audience will understand what is being presented and will not feel overwhelmed by the information. (NIC, 2001)

B. GENERAL INFORMATION

Although training materials have been developed by many different correctional institutions regarding the prevention of sexual misconduct within the correctional setting, the researchers were limited in their ability to access material. However, through the

National Institute of Corrections Information Center website/database, the researchers were able to draw material developed by the Commonwealth of Pennsylvania Department of Corrections, the North Carolina Department of Correction, the National Institute of Corrections, and the Department of Justice (BOP). Of the material reviewed, the National Institute of Corrections training material is representative of the material used for both staff and prisoner training for the other organizations cited in the list above.

The National Institute of Corrections, in conjunction with Washington College of Law, presented training in March 2001 regarding training components for staff and inmates. In the presentation, the National Institute of Corrections emphasized the importance of training both staff members and prisoners about sexual misconduct. They suggested that several key items must be addressed: types of materials that trainees will receive, location and duration of training, content of training, how often training should be held, and what the prison leadership will do with information gained throughout the course of the training sessions, for example, what to do if a staff member or inmate reports a case of sexual assault. (NIC, 2001)

The training that is administered to staff members and inmates is, for the most part, the same. Basic components of training for both staff and inmates include for example:

- Define purpose of training and present an overview of the problem
- Discussion of Federal and State laws
- Review of past and current relevant literature about the problem
- Review institutional policy on staff-inmate misconduct
- Review investigative policy
- Medical implications
- Mental health implications

(NIC, PowerPoint presentation, 2001)

Items that are unique to the staff training module include implications regarding human resources, the duty of the staff member to report incidents of sexual misconduct, the role of the staff member in investigations of sexual misconduct, as well as operational concerns. For the inmate training module, unique elements include potential sanctions for sexual misconduct, as well as medical and mental health concerns. (U.S. DOJ, 2001)

C. INMATE TRAINING

Through the National Institute of Corrections Information Center website / database, the researchers obtained materials developed by the Federal Bureau of Prisons. In the researchers' opinion, a helpful item is a handout titled "Sexual Abuse/Assault Prevention and Intervention: An Overview for Offenders." This handout, which is distributed at inmate orientation sessions, details sexual assault/abuse so that there is no question what behaviors (either by staff or prisoners) are forbidden. The handout specifically states "while you are incarcerated, no one has the right to pressure you to engage in sexual acts." (U.S. DOJ, 1998, p.2) It states in several locations that sexual abuse/assault, whether committed by staff or inmates, is prohibited by both BOP policy and federal law. Specific definitions of what actions constitute sexual abuse or sexual misconduct are given. Inmate-on-inmate sexual abuse/assault is defined as:

[o]ne or more inmates engaging in, or attempting to engage in a sexual act with another inmate or the use of threats, intimidating, inappropriate touching, or other actions and/or communications by one or more inmates aimed at coercing and/or pressuring another inmate to engage in a sexual act. (DOJ, 1998, p.2)

Similarly, staff-on-inmate sexual abuse/assault is defined as:

Engaging in, or attempting to engage in a sexual act with any inmate or the intentional touching of an inmate's genitalia, anus, groin, breast, inner thigh or buttocks with the intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person. (U.S. DOJ, 1998, p.2)

The handout details what the prisoner should do in case he/she is assaulted, as well as the different means available for the prisoner to report an incident. Incidents can be reported to medical staff, the corrections staff, the facility's warden, or even the Office of the Inspector General. The handout further details things that the prisoner can do to protect himself/herself against sexual assault. Steps that prisoners are told to take to avoid sexual assault / sexual abuse include:

- Carry yourself in a confident manner at all times. Do not permit your emotions (fear/anxiety) to be obvious to others.
- Do not accept gifts or favors from others. Most gifts or favors come with strings attached to them.
- Do not accept an offer from another inmate to be your protector.

- Find a staff member with whom you feel comfortable discussing your fears and concerns.
- Be alert! Do not use contraband substances such as drugs or alcohol; these can weaken your ability to stay alert and make good judgments.
- Be direct and firm if others ask you to do something you don't want to do. Do not give mixed messages to other inmates regarding your wishes for sexual activity.
- Stay in well lit areas of the institution.
- Choose your associates wisely. Look for people who are involved in positive activities like educational programs, psychology groups, or religious services. Get involved in these activities yourself.
- Trust your instincts. If you sense that a situation may be dangerous, it probably is. If you fear for your safety, report your concerns to staff.

(U.S. DOJ, 1998, pp.6-7)

Ensuring that prisoners understand these steps is important. Certain prisoners are more vulnerable to assault/coercion, especially those with the following characteristics: first-time offenders, small-figured, physically weak, effeminate-acting males, unassertive, young, or elderly. (Commonwealth of Pennsylvania, 2004) Moreover, prisoners who have been in the facility for an extended period may not remember material that they were presented with upon check-in to the facility. Arming the prisoners with information that they can use to help protect themselves is essential.

Finally, the handout provides an appendix that gives practical definitions of inmate-on-inmate sexual abuse/assault, prohibited acts (that list the code for which punishment could be apportioned), inappropriate staff conduct, and statutory legal definitions. Finally, contact information is provided for the Office of the Inspector General, as well as several different offices of the Federal Bureau of Prisons. Even if an inmate did not remember specifically what was presented during an orientation lecture, this handout should be very helpful in shielding himself/herself from sexual assault or reporting an event if one occurs.

The BOP “Inmate Admission and Orientation Program” includes a lesson specifically about sexual abuse/assault prevention and intervention. The lesson plan / instructor guide for the training session details specific items that should be addressed by the instructor throughout the course of the training session. It is during this training that the inmates are given the “Sexual Abuse/Assault Prevention and Intervention: An Overview for Offenders” handout. The training session begins with the instructor

presenting the inmates several situations for which they must determine if the scenario presented includes appropriate or inappropriate contact, i.e., does the scenario include behaviors that constitute sexual harassment, sexual coercion, sexual abuse, or violate the code of conduct or other applicable statutes. The use of these scenarios allows the prisoners to have a frame of reference for the rest of the training session.

Throughout the training, the instructor has ample opportunity to reference program and policy documents. Having these types of materials readily available for the inmates to see could aid in answering questions that the inmates might have. Enabling the inmates to see that these guidelines do exist, and allowing them the opportunity to read the materials if they so desire could increase the inmates' trust in "the system."

Determining the appropriate person to administer the sexual abuse / sexual assault prevention training to the inmates is of the utmost importance. One reference stated that the warden should either give this training or be present during the training session. By attending the training, the warden shows the prisoners that the program has the support of the highest levels of the administration. This can help to enhance the belief in the program.

Besides the training given to inmates to prevent sexual abuse / sexual assault, inmates should also receive training about sexual harassment. Layman et al. (2004) define sexual harassment as:

[s]exual advances; sexually offensive language, comments or gestures, influencing, promising or threatening any offender's or employee's safety, supervision status, conditions of supervision, custody status, or privacy, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language. (p.12)

What is important to note is that sexual harassment is applicable to facility employees, volunteers, contractors and offenders. Inmates can be guilty of harassing staff members or other inmates in the same way that staff members can harass inmates, etc. Many publications address sexual harassment of staff member to staff member, but do not address the possibility that an inmate can harass a staff member. Inmates must understand that harassing behaviors have serious consequences.

D. STAFF TRAINING

Training for staff members can be divided into different segments, including those geared toward preventing sexual harassment, and those geared toward preventing sexual misconduct with inmates. Many of the training materials provided to the researchers by NICIC are geared toward preventing staff sexual misconduct with inmates. The researchers found the following materials particularly helpful: Layman et al.'s (2004) *Staff Sexual Misconduct with Offenders: Policy Development Guide for Community Corrections Administrators*; NIC's (2004) *Addressing Staff Sexual Misconduct with Offenders Curriculum*; NIC's (2004) *Preventing and Addressing Staff Sexual Misconduct in Community Corrections* PowerPoint presentation; Pennsylvania Department of Corrections' (2004) Basic/In-Service Training module on *Prison Rape Elimination*; as well as North Carolina Department of Correction Office of Staff Development and Training (2002) lesson titled *Staff and Inmate Relationships: Maintaining Professional Boundaries*; and a 2001 NIC video teleconference, *Addressing Staff Sexual Misconduct with Offenders*. In the realm of staff-on-staff sexual harassment, a helpful training aid is a video created by the American Correctional Association (1993) titled *Men, Women, and Respect: Stopping Sexual Harassment in Correctional Facilities*.

1. Sexual Misconduct Training

Different facilities each have their own requirements for the periodicity and types of training given to staff members and volunteers. According to Susan McCambell, one of the panelists in NIC's (2001) *Addressing Staff Sexual Misconduct with Offenders*, each training session for staff members should be specific and address what behaviors are inappropriate, e.g., kissing, hugging, or inappropriate viewing. The context of the training should be addressed. Is the training session a regularly scheduled event, e.g., proactive annual training, or semi-annual training; or is it in response to allegations, possibly in the media? The training must focus on all staff members and inmates. Sexual misconduct is not a women's issue. Moreover, the training should demystify the investigatory process. Staff members need to understand the steps that will be taken should an accusation arise.

Training should occur for everyone who comes into contact with prisoners. This includes all facility staff members, contractors and civilians, volunteers who work in the prison facility or with prisoners outside the facility, those who supervise inmates from other agencies (e.g., Department of Parks and Recreation employees) and professional visitors such as attorneys or clergy members. The training can occur in several forums and formats. Pre-service training is given to all new employees. In-service training is a specific program and is administered annually or semi-annually depending on the facility's policy. Roll-call training can be administered as needed, whenever a department is gathered together. Roll-call training is effective for delivering up-to-date changes. Regardless of the type of training session, whether it's in-service, pre-service or roll-call, the individual administering the training must be someone who is held in high esteem within the organization and exhibits role model behavior. By his/her words and actions, the trainer must exhibit the facility's zero tolerance policy for sexual harassment and sexual misconduct. Otherwise, the staff members will not take the topic, or the training, seriously. Topics that should be covered during staff training include:

- Zero tolerance for sexual misconduct
- Mandatory reporting requirements: how to report incidents, who to report incidents to, and how to make sure they don't get lost along the way
- State statutes
- Definition of policies and procedures
- Victimization histories / issues relating to inmates
- The role of the supervisor: expectations regarding the prevention of staff sexual misconduct
- Behavioral red flags: items learned from previous investigations that show a propensity for staff sexual misconduct
- The difference between sexual harassment, sexual misconduct and sexual assault
- Responsibilities of line managers
- What inmates are told during inmate orientation about sexual misconduct (and staff sexual misconduct)
- How to work effectively as role models
- Professional behavior
- Services available to assist employees with personal issues: Employee Assistance Programs. (NIC, 2001)

Ensuring that staff members understand the behaviors that constitute staff-on-inmate sexual misconduct is essential because "depending on its nature and applicable law,

staff sexual misconduct may involve either noncriminal [*sic*] or criminal acts.” (GAO, 1999a, p.1)

2. Sexual Harassment Training

Apart from sexual misconduct, sexual harassment within prison facilities must also be addressed. Sexual harassment within correctional facilities is not a woman’s problem, or a man’s problem; it’s an organizational problem. From a productivity standpoint, sexual harassment is disruptive in the workplace, and can lower morale of employees and cause rapid turnover, even with personnel who are not being harassed. (ACA, 1993) Although women comprise at least twenty percent of the corrections workforce, the majority of correctional facilities are administered by men. Many incidents of sexual harassment are directed toward women.

To women who are still struggling to gain authority and respect in the workforce, even the smallest action that calls attention to their gender may feel like it’s an attempt to exert power over them ... make them feel like they are not members of the team ... make them feel that they cannot count on their coworkers ... it weakens the entire group. (ACA, 1993)

Mandatory sexual harassment training for all personnel is essential. In many cases, individuals who commit sexual harassment do not realize that their behavior is harassing. Moreover, many people who are the targets of sexual harassment do not think of themselves as victims. Sexual harassment training should include several components:

- Definition of sexual harassment
- Behaviors that constitute sexual harassment
- Organizational effects
- Policies and Laws
- Reporting procedures
- Allow trainees to share what they view as offensive (ACA, 1993)

Through the training process, many people will come to realize that behaviors that they viewed as friendly may not be seen in the same manner by others. If harassers are not approached, either by the target of their harassment, or someone in a supervisory role, the behaviors will most likely continue to the detriment of the organization. The ACA training video was geared specifically to preventing and addressing staff-on-staff sexual harassment. Two items of note were not addressed in the ACA training video. The first is that staff members could harass prisoners as well as staff members. This has an

equally detrimental effect on the organization. The second item is that staff members have a responsibility to help prevent sexual harassment of inmates by other inmates. It is essential that these factors also covered during training.

E. SUMMARY

Staff members and inmates should receive training on several areas. This chapter covered training related to staff-on-inmate sexual misconduct (to include sexual assault, sexual abuse, and sexual harassment), inmate-on-inmate sexual misconduct (to include sexual assault, sexual abuse, and sexual harassment), and inmate-on-staff sexual misconduct (to include sexual assault, sexual abuse, and sexual harassment). Sexual misconduct is a serious issue within the prison environment, regardless of who perpetrates the crime. Through training, both inmates and staff will have a better appreciation of the actions and behaviors which constitute sexual misconduct, reporting procedures, as well as the ways to prevent such actions and behaviors. The training must be thorough and have the full support of the highest prison officials. Moreover, training should be administered by highly respected individuals who, through their own behavior, demonstrate their belief and adherence to the principles.

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VIII. CONCLUSIONS AND RECOMMENDATIONS

A. INTRODUCTION

The purpose of this study was to examine the effectiveness of Naval Consolidated Brig, Miramar's sexual harassment policies and procedures. This was initiated by completing an extensive review of current U.S. Navy and civilian literature, including: SECNAVINST 5300.26D *Department of the Navy Sexual Harassment Policy*, NAVCONBRIG Miramar Standard Operating Procedures, Title VII of the Civil Rights Act of 1964, General Accounting Office Reports, Bureau of Justice Statistics documents and many others. Next, the research focused on specific Navy Brig Sexual Harassment Reporting Procedures, comparing them to sexual harassment reporting procedures for non-military facilities.

Prisoner grievance procedures and unreported sexual harassment were also introduced and thoroughly discussed. Research was then conducted and presented concerning the fact that many cases of sexual harassment fail to get reported due to fear of reprisal from either staff members or other prisoners. The next section of the thesis introduced two surveys conducted for NAVCONBRIG Miramar staff members and prisoners.

These surveys were derived from surveys provided by Dr. Cindy Struckman-Johnson of the University of South Dakota in 2000 and 2002. The Miramar brig surveys were constructed to closely match the Struckman-Johnson surveys so that comparisons could be made between NAVCONBRIG Miramar's results and the results obtained from civilian facilities by Struckman-Johnson and Struckman-Johnson (2000, 2002). Finally, the results of the surveys were presented and compared to the Struckman-Johnson and Struckman-Johnson surveys. These results included findings on: demographic comparisons between staff and prisoners; staff and prisoner opinions regarding general practices that take place in NAVCONBRIG Miramar; differences between reported staff and prisoner sexual harassment training; perceptions and frequency of sexual harassment

incidents; willing sexual contact among prisoners; recommendations for lessening sexual harassment within the facility and details of actual sexual harassment incidents.

B. FINDINGS AND RECOMMENDATIONS

1. Applicability of SECNAVINST 5300.26D

Among the main purposes of this thesis was to analyze the adequacy of the current U.S. Navy sexual harassment policy and how it applies to Navy brig facilities. SECNAVINST 5300.26D makes no mention of sexual harassment in Navy brigs or their particularly unique personnel relationships. Navy brigs are therefore responsible for developing their own sexual harassment training policies and procedures and ensuring they not only coincide with SECNAVINST 5300.26D but that they also pay particular attention to the staff-prisoner relationship. It is this relationship that deserves the focus of the attention, since staff-staff and prisoner-prisoner sexual harassment incidents are not punishable by federal law (though they are still considered serious incidents). The researchers do not recommend extensive changes to SECNAVINST 5300.26D in order to incorporate Navy brig facilities but do recommend they be mentioned in an instruction subparagraph. Specifically, paragraph 9 (“Action”) of SECNAVINST 5300.26D could include a subparagraph charging Navy brig commands to not only comply with and reference this instruction but also compile SOPs that take into account the staff-prisoner relationship and how it applies to federal law. The wording of SECNAVINST 5300.26D is broad enough to encompass all Navy commands, including brig facilities. Specifically, paragraph 7 states:

The rules in subparagraph 7a are regulatory orders and apply to *all* DON personnel individually and without further implementation. A violation of these provisions by military personnel is punishable in accordance with the Uniformed Code of Military Justice and is the basis for disciplinary action...The prohibitions in subparagraph 7a applies to *all conduct* which occurs in or impacts a DOD working environment.

The researchers recommend this paragraph be included in all sexual harassment training conducted at Navy brig facilities. Prisoners, particularly those serving lengthy sentences and those who are being processed for separation, should be made aware that

they are still considered part of the DON while they are incarcerated and that Navy brig facilities are also considered DOD working environments.

2. Sexual Harassment Training

As discussed in Chapter VI, there is a high percentage of prisoners (53.96 percent of 139 respondents) who claim they have never received sexual harassment training while at NAVCONBRIG Miramar. While there are likely respondents who reported not receiving training when they actually did, this is still a remarkably high number who claim to have never received training. Due to time constraints pertaining to prisoner survey approval, the researchers were unable to compare documented training sessions with respondents that claimed to have never received sexual harassment training. Doing so would hopefully reveal that the majority of prisoners had in fact been given training or had not been at NAVCONBRIG Miramar long enough to have received the training.

The research performed in this thesis included indoctrination and training procedures of staff and prisoners, and sexual harassment is included in these sessions. This training is discussed in Chapters II, III and VII, and the researchers feel NAVCONBRIG is accomplishing nominal sexual harassment training for staff and prisoners. Recommendations are provided for improvement to ensure sexual harassment training is accomplished and that staff and prisoners understand not only what constitutes sexual harassment but that they also have little doubt that they have been given the training.

Sexual harassment training for staff and prisoners can be improved and will ensure continued efforts are made to reduce incidents of sexual harassment not only within NAVCONBRIG Miramar, but at facilities Navy-wide. By implementing and referencing the material contained in Chapter VII, including: providing a handout such as “Sexual Abuse/Assault Prevention and Intervention: An Overview for Offenders” (U.S. DOJ, 1998) to prisoners, posting placards with the sexual harassment / sexual misconduct policy, staff and prisoners will further understand the definitions of sexual misconduct, sexual coercion and sexual harassment. At a minimum, staff and prisoners should be given sexual harassment training during indoctrination and on a quarterly basis. NAVCONBRIG Miramar senior staff claimed that all staff personnel received sexual harassment training frequently, either formally or informally, which likely accounts for

94 percent of the staff claiming to have received sexual harassment training. The training could use improvement, however, since only 6 percent of staff who responded to the survey defined sexual harassment as being both unwelcome and sexual in nature (Table 16).

Prisoners must also realize they have received, and will be held accountable for the material presented in, sexual harassment training. Along with the above-mentioned recommendations, the researchers also feel awareness and improvement for sexual harassment can be accomplished through notification and signage placed throughout Navy prison facilities. Specifically, the SECNAVINST 5300.26D definition for sexual harassment should be visible in all common areas of the prison, including dorms and galley facilities. This definition again, is as follows: a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. (SECNAVINST 5300.26D, 2006) It should then be noted that *any* form of sexual harassment will not be tolerated and shall be met with strict punishment.

3. Fear of Reprisal

This thesis has discussed fear of reprisal in-depth, and it should be a concern for Navy brig facilities, just as it is in civilian prisons. As discussed in Chapters IV and VI, a high number of prisoner respondents (approximately 41 percent) feel they are unable to report an incident of sexual harassment for fear that either staff or other prisoners will exact retribution. Training is recommended for staff and prisoners to ensure prisoners know who they may consult in case they are harassed. NAVCONBRIG SOP 1007-6 “Protection from Harm” discusses this topic in detail and should be emphasized during training. It is also suggested that senior staff ensure prisoners feel confident that they can trust staff personnel, rather than simply making certain prisoners know offenders who exact retribution will be punished. This can perhaps be accomplished by senior staff (Commanding Officer, Executive Officer and Command Master Chief) attending sexual harassment and reprisal training with new prisoners and occasionally with current prisoners. This will also ensure other staff members realize that there will be strict enforcement of sexual harassment and retribution policies.

4. Surveillance

This thesis did not accomplish an in-depth study of the surveillance system at NAVCONBRIG Miramar, however, recommendations for improvement are perhaps still in order. Open-ended questions, describing details of sexual harassment incidents, along with recommendations for methods to prevent further harassment, mentioned the need for an increased number of cameras for surveillance. Specifically, five staff members and five prisoners recommended more cameras, and several others described incidents where cameras may have prevented the occurrence. For example, one prisoner described an allegedly inappropriate strip search that took place during in-processing, and 6 prisoners mentioned incidents of sexual harassment that happened either in the galley or in dorms – two areas where wide camera coverage could aid in sexual harassment prevention. Even if cameras are unable to record all incidents of sexual harassment, they could at least provide a noticeable deterrent effect. While legal issues most likely preclude video taping strip searches, it is highly recommended that senior staff be present during such searches. This will not only deter those conducting searches from harassing prisoners but will also deter prisoners from falsely reporting incidents of sexual harassment that may take place during such searches.

5. Supervision

As mentioned in Table 14 discussion, 16 staff respondents (13 percent) stated that better supervision of prisoners would aid in alleviating further incidents of sexual harassment. Few prisoners recommended greater supervision, but this is unsurprising since brig facilities necessarily encourage repression of prisoners. Staff members should be constantly trained on supervision methods that prevent sexual harassment. It is unlikely that prisoners will sexually harass each other if they feel they will be caught. It is also unlikely that staff members will harass prisoners if they know other staff members are present, and will not tolerate such behavior. It is therefore recommended that at least two staff members be present in supervisory positions while prisoners are in common areas (i.e., dorms and galleys). During the administration of surveys, the researchers witnessed several occasions where only one staff member was in charge of supervising an entire common area or work shop. The researchers recommend another staff member be included for supervisory purposes and be in placed in a “roving patrol” of common areas when prisoners are present.

As mentioned in Chapter VI, it is alarming that staff and prisoners estimate that a high number (27 and 31 percent, respectively) of prisoners willingly have sexual relationships within NAVCONBRIG Miramar. It is recommended that NAVCONBRIG Miramar conduct an investigation into the legitimacy of these findings. Stricter, more vigilant supervision should help alleviate the possibility of consensual sexual relationships taking place.

C. RECOMMENDATIONS FOR FURTHER STUDY

1. Interviews

Staff and prisoner interviews could provide valuable insight into sexual harassment incidents and prevention methods. Interviews of senior staff, including: Commanding Officer, Executive Officer, Command Master Chief, Operations Officer and Training Officer are also recommended. Questions asked should pertain to sexual harassment training occurrences, senior staff sexual harassment incident perceptions and accuracy of sexual harassment training record keeping. It is recommended that any prisoner interviews be requested by future researchers in sufficient time to allow for the approval process to take place. Prison anonymity is of the utmost concern to NAVCONBRIG Miramar and PERS-68 and appears to be the largest obstacle towards conducting interviews. Any potential interview questions should be thoroughly analyzed for the possibility of revealing prisoner identities.

2. Regression Analysis

The multiple demographic categories, including age, race and rank coupled with incidents of sexual harassment could lead to interesting studies conducted through regression analysis. This type of analysis could be used to determine if certain ages, races or ranks report greater incidents of sexual harassment than others. Other estimates that may be obtained through such analysis could involve determining whether prisoners or staff who have been harassed in the past are more likely to report further incidents or fear reprisal. Such analysis was not applicable in this case due to the limited number of respondents who reported sexual harassment or sexual coercion. Moreover, some respondents who did report occurrences of sexual harassment or sexual coercion chose not to provide the demographic information requested by the researchers.

3. Broader Comparisons with Civilian Prisons

While this thesis compared the results of sexual harassment reported incidents and perceptions of staff and prisoners regarding protection from sexual harassment, further study could be performed in this area. This study compared findings from previous surveys conducted in 2000 and 2002. It would be interesting to investigate other prisons within the state of California, such as Soledad, Folsom and San Quinton, and compare findings with those from this study. Several California universities, such as San Diego State University, offer extensive criminal justice programs and conduct tours of California prisons. Professors who supervise these tours could provide valuable insight into sexual harassment practices that may take place within these facilities or offer assistance with gaining admission into such facilities.

4. Broader Comparisons with Military Facilities

This thesis examined sexual harassment and sexual coercion in one military facility. To determine if the results are indicative of all military prison facilities, further research could be conducted at NAVCONBRIG Charleston, South Carolina, as well as Ft. Leavenworth, Kansas. While neither of these military facilities hold female prisoners, the rates of sexual harassment and/or sexual coercion of staff members and male prisoners could be studied. Furthermore, it could provide an interesting comparison to see if there is a difference in rates among military facilities given that NAVCONBRIG Miramar is the only facility with female prisoners.

5. Changes to the Survey

Regardless of which populations are studied, some changes to the survey instrument would be helpful. Questions should be changed slightly to ensure that the respondent understands that for the purpose of this research, the researchers are only interested in incidents of sexual harassment and/or sexual coercion that occur within prison facilities. Learning the types of crimes for which prisoners are incarcerated to compare with rates of harassment or coercion might also be helpful.

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APPENDIX A. STAFF SURVEY

BACKGROUND INFORMATION SECTION

This survey will be used to assess instances of sexual coercion and sexual harassment that may occur at this facility. These findings will be used to help determine if the current sexual harassment policies are adequate, or if they need to be adjusted to suit a prison environment. Please answer the following questions honestly, and to the best of your ability. It takes approximately 30 minutes to complete the survey. Please do not put your name on any page. Individual results will not be shared with anyone at the facility. Only summary findings will be reported to the command.

1. Highest Education: High school degree or GED _____
 Some college _____ College degree _____
 Graduate degree _____
2. Race: African-American _____ Hispanic-American _____
 Asian _____ Caucasian-White _____
 Native American _____ Other _____
3. Age: _____ years old
4. Are you a Man _____ Woman _____
5. Are you a(n) Officer _____ Enlisted _____
 Civilian (including contractors) _____
6. How long have you worked at this facility? _____
7. What are your primary functions? (Check all that apply)

 Direct prisoner supervision _____
 Support staff (have direct contact with prisoners) _____
 Support staff (no direct contact with prisoners) _____
 Administrative _____
8. Have you worked at another military prison? Yes _____ No _____
9. If yes, how many facilities, and for how long? _____
10. Have you received sexual harassment training while assigned to this facility?

 Yes _____ No _____
11. Do you feel you know what sexual harassment is? Yes _____ No _____
12. Please explain what constitutes sexual harassment. (Use the back if you need additional room)

SEXUAL HARASSMENT IN PRISON STUDY (STAFF)
GENERAL INFORMATION SECTION

INSTRUCTIONS: We are interested in life in this facility. We want to know what goes on here, what it is like to live and work here. We particularly want to know what you think life is like for inmates in the housing units (cell blocks, tiers, dormitories) in this facility.

For each statement below, **CIRCLE** the response that best describes how things are in this facility. Some choices will be easy. Others will not. Even if you have a hard time deciding, let us know what best describes what goes on here.

1. Inmates spend several hours each day talking with friends.

never seldom often always

2. Inmates are with their friends at night.

never seldom often always

3. If an inmate tries a new hobby or art, the correctional officers will encourage him or her.

never seldom often always

4. Inmates know the rules.

never seldom often always

5. Prison officials help inmates with problems.

never seldom often always

6. Inmates can be alone without being disturbed.

never seldom often always

7. Inmates know what will get them written up by the correctional officers.

never seldom often always

SEXUAL HARASSMENT IN PRISON SURVEY (STAFF)

This section is concerned with experiences of sexual harassment and/or sexual coercion that may or may not occur. **Please do not put your name on this paper.** Please answer each question by filling in the blank or marking the correct response.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that negatively affects the workplace (which includes the prison environment.)

1. At your current duty assignment, about what percentage of inmates do you think have been sexually harassed? Circle your best guess.

0% 1% 5% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

2. At your current duty assignment, about what percentage of staff do you think have been sexually harassed? Circle your best guess.

0% 1% 5% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

3. At your current duty assignment, about what percentage of inmates do you think have been pressured or forced to have sexual contact against their will? Circle your best guess.

0% 1% 5% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

4. At your current duty assignment, do you think that the prison system protects inmates from pressure or forced sexual contact? Circle one number.

Definitely No 1 2 3 4 5 6 7 Definitely Yes

5. At your current duty assignment, about what percentage of inmates do you think have sexual contact because they want to (without being pressured or forced)? Circle your best guess.

0% 1% 5% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

6. What do you think are some good ways to prevent sexual harassment and sexual assault in prisons? (Use the back of this page if you need more room).

7. If you have never been sexually harassed or coerced into sexual contact personally, do you know of instances where it has happened to someone else? Please explain.

8. Do you believe that incidences of sexual harassment or sexual assault can be reported without fear of reprisal? Why or why not? (Use the back of this page if you need more room).

SEXUAL HARASSMENT IN PRISON SURVEY (STAFF)
SEXUAL HARASSMENT SECTION

This section is for sexual harassment.

9. Have you experienced sexual harassment while assigned to duty at a prison?

____ Yes ____ No

10. If you have never been sexually harassed while assigned to duty at a prison, do you know of instances when it has happened to someone else? Please explain.

If you answer no to question 9 above, please skip to the next section, starting with question 25 on page 6.

11. In the incident where you were sexually harassed, how many people were involved?

____ Number of Persons

12. In what year did it happen? ____

13. Was the person(s) who did this male ____ or female ____ or both ____?

14. What race was the person(s)? _____

15. What person(s) sexually harassed you? Check as many as apply.

____ An inmate – stranger to you	____ A person working at the prison
____ An inmate – known to you/acquaintance	____ A person visiting the prison
____ Other – Please explain _____	

16. What prison did this happen at? _____

17. Where did it happen in the facility? _____

18. In your own words, please describe what happened. Use the back of this page if you need more room to write.

19. How much did the incident emotionally upset you at the time it happened? Circle one number.

IT WAS NOT	1	2	3	4	5	6	7	IT WAS VERY
UPSETTING								UPSETTING

20. Has the incident had any lasting bad effects on you? Circle one number.

IT HAS HAD NO
BAD EFFECT
ON ME

1

2

3

4

5

6

7

IT HAS HAD A
SEVERE BAD
EFFECT ON ME

21. What kind of bad effects has the incident caused? Check all the bad effects you have had.

- | | |
|---|--|
| <input type="checkbox"/> No bad effects have occurred | <input type="checkbox"/> Don't trust people |
| <input type="checkbox"/> Nervous around some people | <input type="checkbox"/> Worry that it will happen again |
| <input type="checkbox"/> Flashbacks, bad dreams | <input type="checkbox"/> Depression |
| <input type="checkbox"/> Thoughts of suicide | <input type="checkbox"/> Have attempted suicide |
| <input type="checkbox"/> Have physical injuries | <input type="checkbox"/> Worry that I will catch AIDS |
| <input type="checkbox"/> Caught a disease (which one? _____) | |
| <input type="checkbox"/> Caused me to hate people | |
| <input type="checkbox"/> Don't like people getting physically close to me | |
| <input type="checkbox"/> Worry about my reputation as a man (or as a woman) | |
| <input type="checkbox"/> Caused me to be violent to other people | |
| <input type="checkbox"/> Other – please explain _____ | |

22. Did you tell anyone about this incident?

Yes _____ No _____

23. If yes, who did you tell? Check all the people that you told.

- | | |
|--|--|
| <input type="checkbox"/> An inmate | <input type="checkbox"/> Counselor/clergy |
| <input type="checkbox"/> Teacher | <input type="checkbox"/> Medical person |
| <input type="checkbox"/> Prison administrator | <input type="checkbox"/> Prison staff – not administrative personnel |
| <input type="checkbox"/> Friends, family outside of the prison | <input type="checkbox"/> Other – Please explain. |

24. If you did not tell anyone, why not?

SEXUAL HARASSMENT IN PRISON SURVEY **FORCED/COERCED SEXUAL CONTACT SECTION**

This section is for forced or coerced sexual contact.

25. While you have been assigned to work at a correctional facility, has anyone ever pressured or forced you to have sexual contact (touching of the genitals, oral, anal, or vaginal sex)?

Yes _____ No _____ Not Sure _____

If yes or not sure, list all of the facilities where it happened, how many times it happened at each facility, and the years you were in each facility. If no, please skip to question number 26 on this page and continue with the survey.

Name of Correctional Facility	Number of times pressured or forced into sex	Year you entered facility	Year you left facility

26. If you have never been pressured or forced to have sexual contact while assigned to duty at a prison, do you know of instances when it has happened to someone else? Please explain.

27. In the incident where you were pressured or forced to have sexual contact against your will, how many people were involved? _____ Number of Persons

28. In what year did it happen? _____

29. Was the person(s) who did this male _____ or female _____ or both _____?

30. What race was the person(s)? _____

31. What person(s) made the sexual contact? Check as many as apply.

☐ An inmate – stranger to you ☐ A person working at the prison
☐ An inmate – known to you/acquaintance ☐ A person visiting the prison
☐ Other – Please explain _____

32. What kind of pressure or force was used by the person(s) to have sexual contact with you? Check all that happened.

☐ Persuasion – talked you into it ☐ Bribe
☐ Threatened to withdraw their love for you ☐ Blackmail
☐ Got you drunk or high ☐ Threatened to harm or hurt you
☐ Physically held you down or restrained you ☐ Physically harmed you
☐ Scared you because they were bigger or stronger
☐ Used a weapon
☐ Other – Please explain _____

33. What kind of sexual acts did the person pressure or force you to do? Check all that happened.

- ☐ Tried to touch you but was prevented
- ☐ Touched your genitals or sexual parts
- ☐ Made you touch his/her genitals or sexual parts
- ☐ Engaged in oral sex (give head, fellatio)
- ☐ Engaged in anal sex (in the butt, sodomy)
- ☐ Engaged in vaginal sex
- ☐ Other – Please explain _____

34. What prison did this happen at? _____

35. Where did it happen in the facility? _____

36. In your own words, please describe what happened. Use the back of this page if you need more room to write.

37. How much did the incident emotionally upset you at the time it happened? Circle one number.

IT WAS NOT UPSETTING	1	2	3	4	5	6	7	IT WAS VERY UPSETTING
-------------------------	---	---	---	---	---	---	---	--------------------------

38. Has the incident had any lasting bad effects on you? Circle one number.

IT HAS HAD NO BAD EFFECT ON ME	1	2	3	4	5	6	7	IT HAS HAD A SEVERE BAD EFFECT ON ME
--------------------------------------	---	---	---	---	---	---	---	--

39. What kind of bad effects has the incident caused? Check all the bad effects you have had.

- ☐ No bad effects have occurred
- ☐ Nervous around some people
- ☐ Flashbacks, bad dreams
- ☐ Thoughts of suicide
- ☐ Have physical injuries
- ☐ Caught a disease (which one? _____)
- ☐ Caused me to hate people
- ☐ Don't like people getting physically close to me
- ☐ Worry about my reputation as a man (or as a woman)
- ☐ Caused me to be violent to other people
- ☐ Other – please explain _____
- ☐ Don't trust people
- ☐ Worry that it will happen again
- ☐ Depression
- ☐ Have attempted suicide
- ☐ Worry that I will catch AIDS

40. Did you tell anyone about this incident?

Yes _____ No _____

41. If yes, who did you tell? Check all the people that you told.

_____An inmate	_____Counselor/clergy
_____Teacher	_____Medical person
_____Prison administrator	_____Prison staff – not administrative personnel
_____Friends, family outside of the prison	_____Other – Please explain.

42. If you did not tell anyone, why not?

Thank you for taking the time to fill out this survey. Please put the full survey back in the envelope provided and turn it in. Prison officials have guaranteed that these envelopes will not be opened. Thank you very much for your help.

APPENDIX B. PRISONER SURVEY

BACKGROUND INFORMATION SECTION

This is a **voluntary** survey that will be used to assess instances of sexual coercion and sexual harassment that may occur at this facility. These findings will be used to help determine if the current sexual harassment policies are adequate, or if they need to be adjusted to suit a brig environment. Please answer the following questions honestly, and to the best of your ability. It takes approximately 30 minutes to complete the survey. Please **do not** put your name on any page. Individual results will not be shared with anyone at the facility. Only summary findings will be reported to the command.

1. Highest Education: High school degree or GED _____
 Some college _____ College degree _____
2. Race (pick one): African-American _____ Hispanic-American _____
 Asian _____ Caucasian-White _____
 Native American _____ Other _____
3. Age: _____ 18-25
 _____ 26-35
 _____ 36 and older
4. Are you a Man _____ Woman _____
5. How long have you been in the military (years of service)?
 _____ less than 5 years
 _____ 5 to 10 years
 _____ 11 to 15 years
 _____ more than 15 years
6. Have you been held at another military brig before this one? _____ Yes _____ N

SEXUAL HARASSMENT IN THE BRIG STUDY
GENERAL INFORMATION SECTION

INSTRUCTIONS: We are interested in life in this facility. We want to know what goes on here, what it is like to live and work here. We particularly want to know what you think life is like for prisoners in the housing units (cell blocks, tiers, dormitories) in this facility.

For each statement below, **CIRCLE** the response that best describes how things are in this facility. Some choices will be easy. Others will not. Even if you have a hard time deciding, let us know what best describes what goes on here.

1. Prisoners spend several hours each day talking with friends.

never seldom often always

2. Prisoners are with their friends at night.

never seldom often always

3. If a prisoner tries a new hobby or art, the correctional officers will encourage him or her.

never seldom often always

4. Prisoners know the rules.

never seldom often always

5. Brig officials help prisoners with problems.

never seldom often always

6. Prisoners can be alone without being disturbed.

never seldom often always

7. Prisoners know what will get them written up by the correctional officers.

never seldom often always

8. In your own words, please explain what constitutes sexual harassment. (Use the back of this page if you need more room).

SEXUAL HARASSMENT IN THE BRIG SURVEY

This section is concerned with experiences of sexual harassment and/or sexual coercion that may or may not occur while in custody. **Please do not put your name on this paper.** Please answer each question by filling in the blank or marking the correct response.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that negatively affects the workplace (which includes the brig environment.)

1. Have you received sexual harassment training while in this facility? Yes ____ No ____

2. In the facility you are in now, about what percentage of prisoners do you think have been sexually harassed? Circle your best guess.

0% 1% 5% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

3. In the facility you are in now, about what percentage of prisoners do you think have been pressured or forced to have sexual contact against their will? Circle your best guess.

0% 1% 5% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

4. In the facility you are in now, do you think that the brig system protects prisoners from pressure or forced sexual contact? Circle one number.

Definitely No 1 2 3 4 5 6 7 Definitely Yes

5. In the brig you are in now, about what percentage of prisoners do you think have sexual contact because they want to (without being pressured or forced)? Circle your best guess.

0% 1% 5% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

6. What do you think are some good ways to prevent sexual harassment and sexual assault in brigs? (Use the back of this page if you need more room).

7. Do you believe that incidences of sexual harassment or sexual assault can be reported without fear of reprisal? Why or why not? (Use the back of this page if you need more room).

SEXUAL HARASSMENT IN THE BRIG SURVEY
SEXUAL HARASSMENT SECTION

This section is for sexual harassment. Incidents of forced sexual contact are addressed starting with Question 24 below.

8. Have you experienced sexual harassment (as defined in the second paragraph on the previous page while confined in a brig?

_____ Yes _____ No

9. If you have never been sexually harassed while in brig, do you know of instances when it has happened to someone else? Please explain. (In your explanation, please do not name names.)

If you answer no to question 8 above, please skip to the next section, starting with question 24 on page 6. If you have experienced sexual harassment more than once, please base your answers on the most serious incident.

10. In the incident where you were sexually harassed, how many people were involved?

_____ Number of Persons

11. In what year did it happen? _____

12. Was the person(s) who did this male _____ or female _____ or both _____?

13. What race was the person(s)? _____ (see Question 2 on first page of this survey for a list of races)

14. What person(s) sexually harassed you? Check as many as apply.

_____ Another prisoner – stranger to you _____ A person working at the brig
_____ Another prisoner – known to you/acquaintance _____ A person visiting the brig
_____ Other – Please explain _____

15. What brig did this happen at? _____

16. Where did it happen in the facility? _____

17. In your own words, please describe what happened. (Use the back of this page if you need more room). (In your explanation, please do not name names.)

18. How much did the incident emotionally upset you at the time it happened? Circle one number.

IT WAS NOT
UPSETTING

1

2

3

4

5

6

7

IT WAS VERY
UPSETTING

19. Has the incident had any lasting bad effects on you? Circle one number.

IT HAS HAD NO
BAD EFFECT
ON ME

1

2

3

4

5

6

7

IT HAS HAD A
SEVERE BAD
EFFECT ON ME

20. What kind of bad effects has the incident caused? Check all the bad effects you have had.

☐ No bad effects have occurred

☐ Don't trust people

☐ Nervous around some people

☐ Worry that it will happen again

☐ Flashbacks, bad dreams

☐ Depression

☐ Thoughts of suicide

☐ Have attempted suicide

☐ Have physical injuries

☐ Worry that I will catch AIDS

☐ Caught a disease (which one? _____)

☐ Caused me to hate people

☐ Don't like people getting physically close to me

☐ Worry about my reputation as a man (or as a woman)

☐ Caused me to be violent to other people

☐ Other – please explain _____

21. Did you tell anyone about this incident?

Yes _____ No _____

22. If yes, who did you tell? Check all the people that you told.

☐ Another prisoner

☐ Counselor/clergy

☐ Teacher

☐ Medical person

☐ Brig administrators

☐ Brig staff – not administrative personnel

☐ Friends, family outside of the brig

☐ Other – Please explain.

23. If you did not tell anyone, why not?

SEXUAL HARASSMENT IN THE BRIG SURVEY FORCED SEXUAL CONTACT SECTION

This section is for forced or coerced sexual contact. If you have experienced forced sexual contact more than once, please base your answers on the most serious incident.

24. Since the time you have been in brig, has anyone ever pressured or forced you to have sexual contact (touching of the genitals, oral, anal, or vaginal sex)?

Yes _____ No _____ Not Sure _____

If yes or not sure, list all of the facilities where it happened, how many times it happened at each facility, and the years you were in each facility. If no, please skip to question number 25 on this page and continue with the survey.

Name of Correctional Facility	Number of times pressured or forced into sex	Year you entered facility	Year you left facility

25. If you have never been pressured or forced to have sexual contact while in brig, do you know of instances when it has happened to someone else? (Please explain, but do not name names. Use the back of page if you need more room.)

If you answered “Yes” or “Not Sure” to Question 24 – continue the Survey. If you answered “No” to Question 24, skip to the last page for instructions on where to turn this survey in.

26. In the incident where you were pressured or forced to have sexual contact against your will, how many people were involved? _____ Number of Persons

27. In what year did it happen? _____

28. Was the person(s) who did this male _____ or female _____ or both _____?

29. What race was the person(s)? _____ (see Question 2 on first page of this survey for a list of races)

30. What person(s) made the sexual contact? Check as many as apply.

☐ Another prisoner – stranger to you ☐ A person working at the brig

☐ Another prisoner – known to you/acquaintance ☐ A person visiting the brig

☐ Other – Please explain _____

31. What kind of pressure or force was used by the person(s) to have sexual contact with you? Check all that happened.

- | | |
|--|---|
| <input type="checkbox"/> Persuasion – talked you into it | <input type="checkbox"/> Bribe |
| <input type="checkbox"/> Threatened to withdraw their love for you | <input type="checkbox"/> Blackmail |
| <input type="checkbox"/> Got you drunk or high | <input type="checkbox"/> Threatened to harm or hurt you |
| <input type="checkbox"/> Physically held you down or restrained you | <input type="checkbox"/> Physically harmed you |
| <input type="checkbox"/> Scared you because they were bigger or stronger | |
| <input type="checkbox"/> Used a weapon | |
| <input type="checkbox"/> Other – Please explain _____ | |

32. What kind of sexual acts did the person pressure or force you to do? Please explain. Use the back of the page if you need more room.

33. What brig did this happen at? _____

34. Where did it happen in the facility? _____

35. In your own words, please describe what happened. Use the back of this page if you need more room to write. (In your explanation, please do not name names.)

36. How much did the incident emotionally upset you at the time it happened? Circle one number.

IT WAS NOT UPSETTING	1	2	3	4	5	6	7	IT WAS VERY UPSETTING
-------------------------	---	---	---	---	---	---	---	--------------------------

37. Has the incident had any lasting bad effects on you? Circle one number.

IT HAS HAD NO BAD EFFECT ON ME	1	2	3	4	5	6	7	IT HAS HAD A SEVERE BAD EFFECT ON ME
--------------------------------------	---	---	---	---	---	---	---	--

38. What kind of bad effects has the incident caused? Check all the bad effects you have had.

- | | |
|---|--|
| <input type="checkbox"/> No bad effects have occurred | <input type="checkbox"/> Don't trust people |
| <input type="checkbox"/> Nervous around some people | <input type="checkbox"/> Worry that it will happen again |
| <input type="checkbox"/> Flashbacks, bad dreams | <input type="checkbox"/> Depression |
| <input type="checkbox"/> Thoughts of suicide | <input type="checkbox"/> Have attempted suicide |
| <input type="checkbox"/> Have physical injuries | <input type="checkbox"/> Worry that I will catch AIDS |
| <input type="checkbox"/> Caught a disease (which one? _____) | |
| <input type="checkbox"/> Caused me to hate people | |
| <input type="checkbox"/> Don't like people getting physically close to me | |
| <input type="checkbox"/> Worry about my reputation as a man (or as a woman) | |
| <input type="checkbox"/> Caused me to be violent to other people | |
| <input type="checkbox"/> Other – please explain _____ | |

39. Did you tell anyone about this incident?

Yes _____ No _____

40. If yes, who did you tell? Check all the people that you told.

- | | |
|--|--|
| <input type="checkbox"/> Another prisoner | <input type="checkbox"/> Counselor/clergy |
| <input type="checkbox"/> Teacher | <input type="checkbox"/> Medical person |
| <input type="checkbox"/> Brig administrators | <input type="checkbox"/> Brig staff – not administrative personnel |
| <input type="checkbox"/> Friends, family outside of the brig | <input type="checkbox"/> Other – Please explain. |

41. If you did not tell anyone, why not?

Thank you for taking the time to fill out this survey. Please put the full survey back in the envelope provided and turn it in to the NPS Survey Team Member. Brig officials have guaranteed that these envelopes will not be opened. Individual results will not be shared with or shown to personnel at this facility. Only summary findings will be reported to the command. Thank you very much for your help.

APPENDIX C. FINDINGS FROM A STUDY OF THREE MIDWESTERN WOMEN'S PRISONS

Table 20. Inmate demographics for the Women's Prison Facilities

Characteristics	Facility		
	1	2	3
1. Sample size - inmates	148	79	31
2. Age			
17-25	7 (12%)	23 (29%)	16 (44%)
26-36	68 (46%)	29 (37%)	16 (44%)
37-47	50 (34%)	19 (24%)	4 (11%)
48+	8 (5%)	5 (6%)	0 (0%)
Missing	5 (3%)	3 (4%)	0 (0%)
Average	35 yrs	31 yrs	28 yrs
3. Race			
White	67 (45%)	61 (77%)	20 (56%)
Black	36 (24%)	4 (5%)	3 (8%)
Hispanic	27 (18%)	6 (8%)	1 (3%)
Native American	11 (7%)	2 (3%)	11 (30%)
Asian/Other	5 (3%)	4 (5%)	0 (0%)
Missing	2 (1%)	2 (3%)	8 (3%)
4. Education			
Grade school	5 (3%)	0 (0%)	0 (0%)
Some high school	19 (13%)	11 (14%)	5 (14%)
High school / GED	41 (28%)	33 (42%)	14 (39%)
Trade school	19 (13%)	4 (5%)	4 (11%)
Some college	45 (30%)	25 (32%)	10 (28%)
College degree	17 (12%)	6 (8%)	0 (0%)
Missing	2 (1%)	0 (0%)	3 (8%)
5. Average time in present facility	2.9 yrs	1.8 yrs	1.4 yrs
6. Average maximum sentence	18.1 yrs	9.9 yrs	11.4 yrs

Note: All three facilities were of maximum, medium, minimum security levels. Staff from facility 3 served both female and male inmates.

Source: Struckman-Johnson et al., 2002

Table 21. Sexual Coercion Rates and Estimates for the Women's Prison Facilities

Characteristic	Facility		
	1	2	3
1. Sample size - inmates	148	79	31
2. Sample size - staff	30	13	57
3. Inmates reporting a pressured or forced-sex incident in any prison/jail in the state	40 (27%)	7 (5%)	3 (8%)
4. Inmates reporting a pressured or forced-sex incident in this facility	28 (19%)	5 (6%)	3 (8%)
5. Inmates reporting a worst-case incident in this facility	27 (18%)	5 (6%)	2 (5%)
6. Inmates reporting a worst-case incident in this facility in the last 30 months	18 (12%)	3 (4%)	2 (5%)
7. Inmates reporting a worst-case incident of rape in this facility in the last 30 months	8 (5%)	0 (0%)	0 (0%)
8. Inmate estimate of how many inmates are pressured/forced into sex in this facility (0-100%)	21%	11%	13%
9. Staff estimate of how many inmates are pressured/forced into sex in this facility (0-100%)	10%	2%	4%
10. Inmate rating of sexual-assault protection level in this facility (1-7)	3.0	5.5	5.2
	Low-Med	High	High
11. Staff rating of sexual-assault protection level in this facility (1-7)	5.1	6.7	6
	High	Very High	High

Note: All three facilities were of maximum, medium, minimum security levels. Staff from facility 3 served both female and male inmates.

Source: Struckman-Johnson et al., 2002

Table 22. Target and Perpetrator Characteristics for Worst-Case Incidents

Characteristics	Facility		
	1	2	3
1. Number of targets	27	5	2
2. Age			
17-25	3 (11%)	1 (20%)	1 (50%)
26-36	8 (30%)	1 (20%)	0 (0%)
37-47	12 (44%)	3 (60%)	1 (50%)
48+	3 (11%)	0 (0%)	0 (0%)
Missing	1 (4%)	0 (0%)	0 (0%)
Average	37 yrs	36 yrs	34 yrs
3. Race			
White	14 (52%)	3 (60%)	1 (50%)
Black	3 (11%)	0 (0%)	0 (0%)
Hispanic	5 (18%)	1 (20%)	1 (50%)
Native American	4 (15%)	0 (0%)	0 (0%)
Asian/Other	1 (4%)	0 (0%)	0 (0%)
Missing	0 (0%)	0 (0%)	0 (0%)
4. Number of perpetrators involved			
1	10 (37%)	2 (40%)	1 (50%)
2-3	12 (44%)	3 (60%)	0 (0%)
4-5	1 (4%)	0 (0%)	1 (50%)
6-10	1 (4%)	0 (0%)	0 (0%)
10+	0 (0%)	0 (0%)	0 (0%)
Missing	3 (11%)	0 (0%)	0 (0%)
Average	2.0	1.6	-
5. Sex of perpetrator			
Male	13 (48%)	1 (20%)	0 (0%)
Female	13 (48%)	4 (80%)	100%
Both	0 (0%)	0 (0%)	0 (0%)
Missing	1 (4%)	0 (0%)	0 (0%)
6. Race of perpetrator			
White	11 (41%)	4 (80%)	1 (50%)
Black	5 (18%)	0 (0%)	0 (0%)
Hispanic	5 (18%)	0 (0%)	0 (0%)
Native American	0 (0%)	0 (0%)	0 (0%)
Black with others	2 (7%)	1 (20%)	0 (0%)
White, Native, Hispanic mix	1 (4%)	0 (0%)	1 (50%)
Missing	3 (11%)	0 (0%)	0 (0%)
7. Relationship of perpetrator			
Inmate - stranger only	1 (4%)	0 (0%)	0 (0%)
Inmate - acquaintance only	11 (41%)	2 (40%)	0 (0%)
Inmate - stranger and acquaintance	1 (4%)	1 (20%)	1 (50%)
Staff only	11 (41%)	1 (20%)	1 (50%)
Inmate and staff only	0 (0%)	0 (0%)	0 (0%)
Other staff-involved combination	1 (4%)	0 (0%)	0 (0%)
Other visitor-involved combination	2 (7%)	1 (20%)	0 (0%)

Source: Struckman-Johnson et al., 2002

Table 23. Consequences and Reporting for Worst-Case Incidents

	Facility		
	1	2	3
Consequences and Reporting for Worst-Case Incidents			
1. Number of targets	27	5	2
2. Consequences ^a			
Had bad effects	0 (0%)	0 (0%)	0 (0%)
Nervous around people	22 (82%)	2 (40%)	2 (100%)
Don't like people getting close	15 (56%)	3 (60%)	1 (50%)
Don't trust people	19 (70%)	3 (60%)	2 (100%)
Worry about reputation	10 (37%)	3 (60%)	1 (50%)
Worry it will happen again	19 (70%)	1 (20%)	1 (50%)
Flashbacks, bad dreams	13 (48%)	1 (20%)	2 (100%)
Depression	14 (52%)	2 (40%)	1 (50%)
Thoughts of suicide	4 (15%)	0 (0%)	0 (0%)
Attempted suicide	2 (7%)	0 (0%)	0 (0%)
Have physical injuries	3 (11%)	0 (0%)	0 (0%)
Worry about AIDS	3 (11%)	0 (0%)	0 (0%)
Have caught a disease	0 (0%)	0 (0%)	0 (0%)
Made me hate people	9 (33%)	0 (0%)	0 (0%)
Caused me to be violent	6 (22%)	0 (0%)	0 (0%)
Other	7 (26%)	3 (60%)	0 (0%)
Missing	1 (4%)	0 (0%)	0 (0%)
Average rating of first upset (1-7)	6.6	6.2	7.0
	Very High	High	Very High
Average rating of lasting effects (1-7)	5.8	5.2	6.0
	High	High	High
3. Reporting ^a			
Number who told anyone	16 (59%)	4 (80%)	1 (50%)
Told another inmate	12 (44%)	3 (60%)	1 (50%)
Counselor-clergy	7 (26%)	2 (40%)	0 (0%)
Teacher	1 (4%)	1 (20%)	0 (0%)
Medical person	1 (4%)	1 (20%)	0 (0%)
Prison staff - not administrative	7 (26%)	2 (40%)	1 (50%)
Prison administrators	8 (30%)	1 (20%)	0 (0%)
Friends, family outside of prison	8 (30%)	2 (40%)	1 (50%)
Other	18%	0 (0%)	0 (0%)
Missing	1 (4%)	0 (0%)	0 (0%)

^a Percentages total more than 100 because respondents could check multiple categories.

Source: Struckman-Johnson et al., 2002

APPENDIX D. FINDINGS FROM A STUDY OF SEVEN MALE MIDWESTERN PRISON FACILITIES

Table 24. Sexual-Assault Rates and Estimates for Midwestern Prison Facilities

Characteristic	Facility						
	1	2	3	4	5	6	7
1 Sample size - inmates	461	430	270	232	196	174	25
2 Sample size - staff	109	59	143	46	61	57	N/A
3 Inmates reporting a pressured or forced-sex incident in any prison/jail in the state (%)	24	21	26	16	18	16	16
4 Inmates reporting a pressured or forced-sex incident in this facility (%)	18	19	21	14	4	14	4
5 Inmates reporting a worst-case incident in this facility (%)	16	17	5	14	4	14	4
6 Inmates reporting a worst-case incident in this facility between 1996 and early to mid-1998 (%)	9	8	8	7	3	5	4
7 Inmates reporting a worst-case incident of rape in this facility (%)	8	11	9	6	0	7	4
8 Inmates reporting a worst-case incident of rape in this facility between 1996 and early to mid-1998 (%)	4	6	4	3	0	2	4
9 Inmate estimate of how many inmates are pressured/forced into sex in this facility (0-100%)	27	41	24	13	17	12	7
10 Staff estimate of how many inmates are pressured/forced into sex in this facility (0-100%)	18	29	12	18	11	4	--
11 Inmate rating of sexual-assault protection level in this facility (1-7)	2.4	2.1	2.8	3.0	3.9	4.6	4.6
	Low	Low	Low	Med	Med	Med	Med
12 Staff rating of sexual-assault protection level in this facility (1-7)	4.8	4.2	5.7	5.0	6.2	6.0	--
	Med-High	Med	High	High	Very High	Very High	--
13 Percentage of incidents that involve staff	20	21	22	15	--	28	--
14 Percentage of survey respondents incarcerated for a crime against persons	80	56	71	59	70	60	20

Note: Regarding the various facilities: 1: maximum-medium-minimum facility for men (survey focused on maximum unit); 2: maximum-medium-minimum facility for men; 3: maximum-medium-minimum facility for men (survey focused on maximum unit); 4: maximum-medium-minimum facility for male felons; 5: primarily maximum facility for men that holds long-term segregation offenders; 6: maximum medium facility for male felons; 7: facility for male felons, misdemeanants, and first offenders.

Source: Struckman-Johnson et al., 2000

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APPENDIX E: STAFF RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING WHAT CONSTITUTES SEXUAL HARASSMENT

Table 25. Staff Responses to Open-Ended Survey Question Regarding What
Constitutes Sexual Harassment

Any sexual in nature comments or gestures.
Asking if they want to have sex with me.
Interfering with another.
Use of force/power to gain sexual advantages/dates. 3 elements: It must be unwelcome, it is sexual in nature, occurs in/or impacts the work environment.
Anything inappropriate, or makes you feel uncomfortable in a sexual manner
Harassing someone sexually
Trying to use your rank to get what you want or give a person special treatment for a favor
Unwanted sexual advances, comments or contact
Anything that makes someone (of opposite sex) feel uncomfortable i.e. suggestive pictures, gestures
It is unwanted sexual advances, including but not limited to speech, gestures, touching.
Any unwanted sexual advances to anyone. Either by requesting sexual favors for a promotion to having explicit pictures on a wall or screen saver that would make you feel uncomfortable, or jokes.
Unwanted behavior that is unwelcome and sexual in nature which creates an uncomfortable environment. Also could be seen through a 3rd party that was not directly involved.
Behavior that is unwelcome, sexual in nature, and creates a hostile or intimidating environment.
There are a couple of elements to this: a sexually provocative comment, gesture or touch that is unwelcomed to either the recipient or a third party; person who receives said comments/gesture must make the person making the comment aware that it is blatant or obvious; if said person who makes comments continues to make comments/gestures after being notified of such action
Unwanted or unwelcomed gestures, comments, physical touching from one coworker to another. Normally used as a power play by a superior.
Any communication that is directed at another person that can be perceived as an unwelcome sexual advance or of an inappropriate sexual nature (explicit or implicit)
Anything that can get you in trouble and isn't morally right or welcome in the workplace
Unsolicited harassment from staff/coworkers either verbally sexual comments, or physically, or for use when in authority
Unwelcome or unwanted sexual advances, comments
Verbal or obscene gestures that make you feel uncomfortable.
Any action or comment that is interpreted as an unwanted sexual advance
Any comments or gestures that can be viewed as inappropriate or harassing. Can be male to male, male to female, female to male, female to female
Unwelcome, sexual in nature, occurs in or affects the workplace

Verbal or physical conduct of a sexual nature. Unwelcome sexual advances and requests for sexual favors. These all constitute sexual harassment.
See pg 3 para 2 [for definition given in survey]
Use of sexually explicit language, pictures, jokes, etc. that others find offensive. Abuse of authority for sexual favors, threats of punishment for non-compliance
Any language or act of a sexual nature that offends others.
Is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that negatively affects the workplace.
Any unwanted sexual advances, talk or objects of a sexual nature that invade my workplace
Any unwanted advances sexual in nature whether its verbally or physically
Relations between two individuals enlisted - officer or any relations that will effect work environment. Taking advantage of position to achieve a personal interest to a lower rank
Awareness
Unwelcome sexual advances, behaviors, innuendos, etc., negative impact on morale, work relationships, etc.
Inappropriate comments, gestures, touches
Unwanted sexual advances towards another person
Sexual harassment may include sex discrimination, request for sexual favors, sexual advances and/or unwelcome verbal statements or physical contact
An unwanted sexual advances (unwanted touching, remarks)
Any unwanted act that is sexual in nature that is meant to undermine or gain privilege from any other person regardless of rank, sex, or sexual preference
Unwanted sexual advances, offering benefits in exchange for sexual favors. Actual or threatened retaliation, leering, making sexual gestures, posters with sexual content, making use of derogatory comments, epithets, slurs, or jokes
Unwanted sexual acts
Any act of a sexual nature that can be construed by a reasonable person to cause another person to feel uncomfortable not to include sexual assault
Unwanted sexual advances, pressure for dates, implying that retribution could be taken if they rebuff the harasser. Uncomfortable work environment due to sexually suggestive or stereotypical remarks. Leering, staring, touching (inappropriate)
Any unwanted verbal or physical action towards another person
Unwanted, uninvited comments or remarks of a sexual nature
Unwanted verbal or sexual contact/physical (comments)
When a person initiates unwarranted sexual threats or gestures to another person that might affect that person in a negative way
Unwanted sexual advances
Unwanted sexual advances, verbal or physical
Sexual favors, unwanted advances
Inappropriate behavior
Training
Having contact with someone which is neither requested or desired.
Any unwanted advances or comments
A saying, comment, or touching that makes you uncomfortable or feel uneasy around another or group of people

Dirty jokes, inappropriate touching/language, initiating sexual favors/advances, wanted or unwanted
Unwelcome gestures, verbal slurs that are sexual in nature
Inappropriate sexual language, touching, etc.
Any unwelcomed behavior, sexual in nature, i.e. leering, offering rewards/rank/position for sexual favors, repeated requests for dates, continual unwelcomed sexual conversation
Any unwelcomed verbal or physical advances
Unwanted sexual advances or verbal sexual connotations which brings about uncomfortable relations with male/female relationships
Any unwanted sexual advances
Unwanted advances, repetitive asking for dates, inappropriate touching/hugging/kissing, using rank or position to coerce sexual favors, using inappropriate language/ telling sexually explicit jokes/stories
Any unwanted sexual remarks/comments or touching
Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct that negatively affects the workplace
Any unwanted (verbal or physical) comments, gestures, contact
Unwanted behavior to sum it up
Unwanted verbal, written, non-verbal or physical communication/contact that is sexual in nature/context. "red light" behavior in the workplace
Unsolicited sexual advances for special favors or consideration to effect a positive outcome ([cannot decipher handwriting here] impact to staff)
It can be unwelcome sexual behavior or sexual favors (through promises or threats) affecting the workplace
Any comments, acts or actions in which a sexual gesture, comments could be considered sexual harassment
Any inappropriate form of sex discrimination that involves unwelcome advances, sexual favor requests and any other verbal or physical contact that interferes with work performance, creates a hostile or intimidating environment, is used as a basis for career enhancement and promotion, (makes sex, etc. a form of condition of job, pay, etc.) * sexual assault is different
The unwanted advancement from one to another
Anyone who thinks they have the power to do whatever they want without the remorse or don't they will face consequences.
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact/conduct of a sexual nature which negatively affects the victim and the workplace.
When you get unwanted sexual contact or comments. Usually the person will try to give you some type of incentive for participating
Anything unwanted sexually that may include sexual advances, gestures, comments, etc.
Any unwanted and/or unprofessional sexual action towards another.
Sex discrimination that is unwelcome, sexual in nature and occurs in or has an impact on the work environment
Jokes, comments, slurs, discrimination, sounds "cat calls"
Any harassment in a sexual nature, it may vary, (Red, amber, green) categorized on severity. Be aware of statements that might be offensive to others, unwanted sexual adv[ances.]
Unwanted sexual advances, physical, verbal on individuals of either sex, gender and favors.

Unwanted acts, gesture, comments from either sex of sexual nature
Unwanted sexual advances
Uninvited and unwelcome verbal or physical conduct directed at an employee because of his or her sex.
When another person forces another to put up with unprovoked sexual advances even though the victim has told him/her to stop.
Behavior of a sexual nature that creates a hostile, intimidating environment.

APPENDIX F: PRISONER RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING WHAT CONSTITUTES SEXUAL HARASSMENT

Table 26. Prisoner Responses to Open-Ended Survey Question Regarding What
Constitutes Sexual Harassment

Any sexual act that was not mutual by both parties.

Any advance by another individual with intent to obtain sexual gratification by physical or verbal methods.

Strip searches conducted by staff each time a prisoner returns from a working party at the staff member's own amusement, degrading the prisoner, going above and beyond that which is necessary to detect contraband.

Any unwanted attention relayed in a sexual manner, or otherwise perceived that way.

Anything that happens to a person because of their gender or doesn't happen because of gender.

Any real or perceived sexual words, actions or innuendos which violates my rights as described to me in my brig rules and regs manual.

Any unwanted sexual contact or words to another.

Where someone makes advances, comments or gestures in a sexual manner.

Unwanted sexual gestures, words or contact, even indirect.

Saying offensive sexual remarks towards another; showing sexual gestures, actual sexual contact.

Sexual harassment can be any verbal, visual, or touch that is sexual in nature towards another person. It usually is up to the individual to decide whether the comments are appropriate or not. In the Navy, there are 3 levels: yellow, red, and green. The sexual comment is usually derogative and used to degrade someone else for it to be considered sexual harassment.

Someone who says or does something sexual to you and you didn't like it.

Any unwanted advances by opposite and same sex genders, whether physical or non-physical in contact or nature, effecting the work atmosphere.

Any act, gesture or language that would offend another person, that is of a sexual nature. This includes jokes and passing written items that may be heard or intercepted.

Unwanted sexual advances, activities, etc.

Continued unwanted sexual advances or gestures.

Somebody f**king me in the a** against my will.

Anything (verbal or physical) of an unwelcome advancement or a sexual nature.

Unwanted sexual favors, cat calls, etc.

Someone who verbally or physically assaults someone in a sexual way.

Any unwelcome contact, either it be physically or mentally

Unsolicited sexual attention from any person of either sex.

Unwanted sexual attention, comments, gestures and touches.

Verbal communication or physical contact.

Unwanted sexual advances whether physical or verbal.

Any unwanted touching or verbal behaviors from anyone.

Anything that may deem sexual to and make you uncomfortable. It's harassment if it's directed towards a specific individual or group.

Proactive language or unwanted sexual advances or comments.

Pushing my set boundaries, especially after you have informed of those boundaries.

Sexual gestures or acts that is not approved by the victim.

Advances that are unwanted by either same sex or opposite sex and are inappropriate.

Unwanted sexual gestures.

Anything said by body, mouth or touch that is offensive to another in a sexual nature.

Any sexual comment or behaviors that feels inappropriate between an individual; any sexual favors requested in exchange for something; any physical contact that was not asked for; all these may affect the workplace.

Persistent unwanted sexual advances by any person.

Any unwanted physical or verbal advance.

Suggestive touching, sayings, etc.

Unwanted sexual advancements, comments, jokes, touching.

Unwanted sexual gestures or advances, gender specific slander.

Making sexual or derogatory comments of a sexual nature – unwanted touching in a sexual manner.

Any unwanted sexual advances or words.

Any comment or gesture that refers or disregards a person's sex or sexual orientation.

Saying something to someone that is sexual in nature when the person doesn't want to hear it or it offends the person.

Unwanted sexual advances, comments, suggestive language, inappropriate touching, etc.

Unwanted sexual advances.

When someone addresses you in a sexual manner and they continue to do it after you've told them to stop.

Any type of contact that sends an unwanted signal to another individual that is physical contact, non-physical contact or verbal.

I feel some things or situations are unjust [and] raises eyebrows but are let go and slide by too easily that's with race especially and gender, looks and appearances.

Unwanted words of a sexual nature towards another person, whether in general or about that person.

Disturbing another's space or violating them with words or their bodies. Example: "You look really good; I just want to eat you."

Any statement or action of sexual nature that is used for degradation of an individual or for personal favors.

Someone either verbally or physically taking advantage of you in a sexual nature.

Any unwanted gesture, action, verbal or physical of a sexual nature.

Unwanted advances, unasked for or inappropriate language regardless of sex. Even gestures can be done in a harassing manner.

Unwanted sexual advances, the use of a position of authority to gain sexual favors.

Touching, suggesting, unwanted/unwarranted teasing in an inappropriate fashion relating to sexual orientation or gender.

Unwanted sexual advances that could negatively affect a workplace.

Unwanted touching or offensive gestures.

Unwanted comments, gestures or actions related to sexual innuendos and perceived acts.

Any act that is done that can be construed by the other as sexual harassment.

Any sexual look or comment that is not welcome.

Anything that makes someone uncomfortable, sexual comments, no matter how the act/words were intended.

Unwanted sexual innuendo or acts.

Unwanted sexual advances.

Unwanted and/or unwarranted sexual advances to any sexual gender in efforts to entice or even through lewd comments containing sexual jargon.

The unwanted advances from someone else.

Unwanted sexual advances, oral, written or physical

Unwanted act in a sexual nature either verbal, non-verbal or physical.

Unwanted or solicited sexual advances. (Names, touching, brushing against, etc).

A person with power/position demands/coerces sexual favors from subordinate.

Making explicit jokes, inappropriate touching or sexual comments.

Asking for sex; using sexual innuendo; using inappropriate language in a sexual context.

Making remarks about a person's physical characteristics.

Any activities that are sexual in nature and expressed in a manner that offends the victim.

Unwanted touching of another person's body against their will.

Unwanted sexual advances.

Taunting, teasing others in regards to offense, gender or actions.

Any act or communication that is, or can be, construed as sexual in nature. Which the recipient is not willing to accede to.

Written communication, physical contact, verbal sexual advances not wanted by the second party.

Any type of sexual exchange, physical or verbal, that is unwanted.

Unwanted gestures or physical contact by male or female.

Unwanted touching and/or sexualized conversation, comments.

Sexual comments or actions that are unwanted or wanted, effectively offending the other person.

Unwanted touching or comments.

Any harassment sexually related to demoralize someone's ethics.

Any inappropriate behavior such as touching, petting, remarks, gestures that are sexual towards another person.

Unnecessary physical or verbal threats imposed by the other or even same sex having to do with a sexual nature.

When someone touches another in a sexual content and it's not wanted or speaks to someone dealing with sexual things (i.e. explicit jokes, etc) when it's not wanted.

Someone wanting or telling you sexual stuff without you wanting.

The use of sexually suggestive comments or actions toward another.

A remark that is somewhat sexual in nature that makes another person uncomfortable.

Violation of my boundaries, verbally or physically in a sexual nature or a manner in which I perceive as sexual. Promises of rewards or special privileges for sexual favors.

Any behavior, conversation, or contact of a sexual nature that makes an individual uncomfortable.

Any sexual advance, verbal or physical, that isn't appropriate or isn't wanted by one or more people.

Touching, talking, looking at another individual in an undesirable sexual manner.

Any touching or verbal sexual talk towards another prisoner.

Unwanted verbal or touching

Anything sexual you don't like.

Someone being touched when they don't want to.

At any time when an individual, male or female, makes unwelcomed advances for the sole purposes of their own gratification.

Unwarranted act or implication (gesture, overt request or implied statement) that an individual will use (usually through a type of power mechanism) to receive acts of sexual favor.

Unwanted advances.

Touching of private parts and use of inappropriate language.

Verbally or physically bothering, instigating someone in a sexual manner when such advances are not welcome by someone.

Any sexual approach, contact or comment that is not welcomed.

Any unwanted sexual comment or physical touch.

Any form of unwanted physical verbal or written conduct unbecoming and taken offensively.

Unwanted sexual attention towards someone or yourself.

Touching in a wrong matter; threats, gestures, sexual comments.

APPENDIX G: STAFF RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING WAYS TO PREVENT SEXUAL HARASSMENT AND/OR SEXUAL ASSAULT IN PRISONS

Table 27. Staff Responses to Open-Ended Survey Question Regarding Ways to Prevent Sexual Harassment and/or Sexual Assault in Prisons

The inmates should have more training involving what constitutes sexual harassment. The staff get the training but some still unconsciously do or say things in a joking manner.
No male and female contact
Education
Properly screen staff before they get their orders
Don't go
Less complacent
Don't have male and female prisoners in same facility
Have two buildings: one for males, one for females
Don't have male and female prisoners in same facility
Direct supervision
By keeping staff honest
Training / explaining the effects & consequences
Mandatory training to prisoner population
Education and training on the subject
Separation of males and females
No comment
Keep males and females apart at all times with no CONTACT! Also having only one prisoner per cell to prevent any assaults in their cells.
Continuous counseling / training
Impose greater control techniques. Usually these incidents occur because of the lack of monitoring
Implementation of the direct supervision model
Separation from males/females, 1 prisoner to a cell, segregate sex offenders
training
Keep females and males separate
Don't have a coed prison
Education, separation, more <u>staff</u> observation
Direct supervision and constant interaction
Training and education / constant supervision, enforcement of rules & regs
To hold sexual harassment course to let the prisoners know that they do have a choice, and they can prevent being sexually harassed.
Give them training
Keep sexually predatory prisoners separated from the general population. Do a thorough psychological evaluation on staff members before they have contact with prisoners. For navy, it should be a part of the "shore special programs" screening. Should be a part of the hiring process for civilians. Staff should be trained on how to recognize predatory behavior.

Separation of males and females
More staff supervision
Education and a mechanism for safe reporting
Females in separate facility with only female staff
Remove or segregate female to male prisoner. Female prisoners being watched by female staff.
Educating inmates: clear training for staff: consequences to staff for violation
More monitoring of prisoners and training
Training, proactive staff involvement, direct supervision (vigilance)
Do not have co-ed prisoners confined together. Men and women should be in separate facilities.
Continue to train C.O.s on the effects of being sexually harassed
Training
Provide training on the two topics and let staff know that this is serious business and will not be tolerated. Create a more positive corporate culture.
Good training to remind all personnel - staff or inmates
Don't go
Training
Report it immediately to your supervisor or another trusted staff member if it is your supervisor
More high-level training for senior staff. More SAVI training.
Education and training
Supervision of staff and inmates. Swift discipline of perpetrators
Educate staff, inmates and continue to encourage and check up on personnel
More staff present in the dorms
Train
More staff so that we could have more eyes to watch prisoners
Training, educate, teach do's and don'ts
Supervision
23 hours of lockdown
Supervision is the key
Training to the prisoners and to the staff on what sexual harassment and sexual assault [are]
Training / swift punishment if found guilty of sexual harassment
More awareness and training
Can't be prevented
Stop co-ed prison environment
Continued training, let the consequences be well known if an incident happens
Encourage prisoners to be open with issues and ensure security is doing their job
More staff
Training
Solitary
Screen staff, cameras, instructions/training
Education, consequences, contacts
Constant segregation of male and female inmates
Strict punishment if convicted (deterrent)

It will always be a problem. In this day and age keep people aware
Separate male and female prisoners in programs and work crews. Train staff yearly with prison-based sexual harassment videos and curriculum. Constant staff supervision, wide use of camera surveillance, ensure all doors are locked as required, good lighting in passageways and all over.
Direct supervision / staff awareness of what is happening
Continued training of staff and prisoners but more importantly, serious consequences for perpetrators
Keep prisoners in their cells - more supervision
Consistent enforcement of the rules, upfront education on sexual harassment and sexual assault
Keep eyes and ears open and report right away
Training for staff re: staff-to-staff harassment and training for staff re: staff-to-prisoner and prisoner-to-prisoner. Also, information about sexual harassment, etc. to prisoners at orientation and explain brig policies for reporting confidentiality and have available counseling as needed, also assistance or policies to help prisoners / staff feel safe to come forward with complaints confidentially. And to have policies and procedures carried out to ensure future safety of reporting parties.
Utilize current policy. Ensure strict compliance with policy with harsh penalties for non-compliance.
You can't really prevent [it]. If it's going to happen it's going to happen no matter where you're at.
Can't really stop sexual harassment.
Tighten up security by adding staff and security cameras
Camera installation upgrade (already done), individual cells for all prisoners
Training, exemplary behavior, discipline when they fail
Training
Give staff members more support
Good education and harsh punishments
Separate males / females
Training and staff being professional at all times. Inmates need to know how to report sexual harassment without fear of reprisal
More supervision
Not <u>ever</u> mixing the male and female population. Not for work call, recreation activities, religious activities, etc.
More constant supervision
Education of prisoners and staff. No reprisals when incidents are reported.

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APPENDIX H: PRISONER RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING WAYS TO PREVENT SEXUAL HARASSMENT AND/OR SEXUAL ASSAULT IN PRISONS

Table 28. Prisoner Responses to Open-Ended Survey Question Regarding Ways to Prevent Sexual Harassment and/or Sexual Assault in Prisons

Let prisoners know sources and consequences of actions. Provide counseling.
Cameras in all cells and showers. Stress alarm in your cell or shower.
Explore activities that bolster friendships instead of excessively restricting socializing
Brig staff could be more perceptive not only to prisoner's actions but to their own and how they're perceived by those around them
Staff has seemingly unlimited power. There are no checks and balances.
Single cells, less male-female contact
Stringent punishment for offenders
I think the rules and regs in place along with the equipment is good enough
Training, stricter enforcement, more patrolling
Have all male facilities and all female facilities. No consolidating the two. More camera surveillance.
Upper management refuses to acknowledge that it takes place. Clear cut action. Segregation from the victim.
Put fags with fags
All reasonable safeguards are in place
Don't make oneself vulnerable
By staying aware and keeping your mouth shut
Staff be more alert and question other staff
Awareness and the open-door policy so when things occur we can go to a person we feel comfortable with
Report offenses to higher authority, training
Separate and punish offenders while placing them in therapy for sex misconduct. More intense treatments and punishments.
Complete segregation of male and females, including guards
Don't get involved. If it happens, always report it.
Report it and if nothing happens take it to the next one in the chain of command
Having classes on them and making sure the rules are being followed
Camera system was a good idea
Hanibal Lector face masks
Conjugal visits, porn.
Training the staff, hold them accountable
Move women to another facility
Allow conjugal visits
Keep homosexuals away from the rest of us
Allow conjugal visits

Introduce guidelines and procedures on how to handle the situation or an approaching situation in a constructive way. Train staff members on the proper techniques to avoid any confusion
Take care of problems before they explode
Don't let males work with the females. Keep contact between male and females as minimal as possible.
More people (victims) given a chance to tell w/o a chit process. To be taken seriously.
Continuous training, punishment for those caught
Better communication, anonymity
Being in a work environment helps keep professional attitudes. We are/were military personnel, we know how to properly conduct ourselves
Conjugal visits for those with sentences over 12 months
Better supervision by staff
Constant supervision
Have no contact with brig officials
Share feelings regularly
Keep population down in each cell block
Classes, punish only those who break the rules
There are no preventive measures that can be taken
Provide us with the knowledge of what it is. A lot of times people don't realize that they are doing it.
Cameras, walkthroughs
Prisoners do not have confidence in the staff because the staff could care less about the prisoners. They may say they care but truthfully they have no integrity.
Women receive pat downs in front of male guards and male prisoners watch to see where the female guard patting us down will touch our bodies. Some guards cup our breasts and even our buttocks.
Better training and psychoanalysis of potential predators
Keep males and females in separate facilities
Get rid of the women and the trouble makers. Make examples of them.
The brig is doing right now to avoid this things are good. We have the info and as long as you follow the rules, you will be fine.
More training and being sure prisoners know they have people to come to if such things occur
Severe punishment (for offenders)
Keep a better watch! It happens all the time, anytime.
Closer watch on prisoners and internal informants
There is not an abnormal amount above societal norms - no further action required
The only way to minimize sexual harassment or sexual assault is to fully segregate everyone
Zero tolerance policy
Segregation based on time served and type of charge
Have staff members more watchful of what prisoners are doing
Coed dorms
Cut it off
Education and obvious deterrents
Have a female present with female prisoners at all times

Be aware of surroundings and be cautious of what's going on
Teach everyone what constitutes sexual harassment, how to avoid it, confront it and report it
Take a look at the clinical staff. They ask prisoners to record their masturbations on tape. These are later listened to by staff members and other prisoners in group sessions, which is humiliating.
If we don't comply, we lose incentive level and privileges.
Background checks
Continuous training
Cameras, classes
Have the guard turn their head more often
Promote good, healthy sexual relationships between opposite sex inmates

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APPENDIX I: STAFF RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING KNOWN INCIDENTS OF SEXUAL HARASSMENT AND/OR SEXUAL COERCION OF SOMEONE ELSE

Table 29. Staff Responses to Open-Ended Survey Question Regarding Known Incidents of Sexual Harassment of Someone Else

Yes. Staff sometimes make jokes around or even to inmates. But most of it can come from the inmates to staff or other inmates.
None - if so, it would have been reported.
Yes. No explanation given.
No. No explanation given.
Not that I can recall
I have been 'cat called' by female inmates. I never felt intimidated or worried. The inmates have been deprived of contact and act out from time to time
Yes. Both male and female friends and family members
Yes - Previous command (not a prison)
It happens so often to the male staff. The female prisoners run around here near lawless. If the male staff did report it nothing would be done anyhow.
Yes, when prisoners (female) line up for chow, certain females will grab behind others.
Yes, prisoners (female) have made comments which were corrected on the spot
No. For this command when it involved a staff member and a prisoner. Yes for prisoner harassing other prisoner. Yes at a previous command where a deck seaman alleged that a chief made comments about her breasts.
Yes to one of the prisoners here
Yes. It's none of this study's business
Self and others
Don't know of anyone.
Prisoner on prisoner harassment; unwanted touching; indecent exposure
Yes. I have had to assist personnel to stop the harassment and counsel personnel in respect to their behavior
Too many to describe. Most of it mild. One work center supervisor I had was administratively separated at 16 years for harassing 4 airmen.
No but I have a feeling it might happen but is covered up
I have been at my last facility
Yes comments by previous CO to staff
Yes, sexual assaults, rape, incest
Yes a female prisoner talked into a sexual relationship with a male staff member
Yes, unwelcome advances by female to female and case of male exposure [genitals]
Yes. Prisoner sexually harassed by a visitor in visitation, which I believe was dealt with appropriately. Prisoner informed staff who took up the chain and that visitor no longer permitted into building.
Never seen one.

Yes reports of contact between staff/prisoners, prisoners/prisoners - it's never "consensual."
A troop of min has had a couple of inmates make improper comments and cat calls made toward her.
No, Two cases of staff pressuring inmates.
Yes, on 3 different occasions staff members have been caught participating in sexual acts with prisoners. I do believe that there are more cases though.
Yes. Staff sometimes make jokes around or to inmates, but most comes from inmates.
Yes. (no explanation given)
Some of the female prisoners have touched or said things to other female prisoners. Also there was a male prisoner flashing his penis to other prisoners (females)
A female in a mostly male prison is going to be stared at, noises are going to be made, comments will be made. But the staff here is too afraid to correct a prisoner that does it.
Yes, staff and prisoners. Prisoners: male and male; female and female
Female prisoners harass male staff
Inmates making comments and gestures towards staff or other prisoners
Prisoners have made allegations that they are been harassed by other prisoners.
Yes I worked in a civilian prison prior to this one and sexual harassment was common place
Yes. Inmates make comments to the female staff all the time
Prisoner to prisoner harassment (verbal, unwelcome touching)
The male staff won't even prompt female PR's because female PR's say sexual harassment
Harassed by prisoners
Yes - past staff on staff harassment years ago (staff was disciplined). Several incidents involving prisoners.
Yes - see #7 (Yes. Prisoner sexually harassed by a visitor in visitation, which I believe was dealt with appropriately. Prisoner informed staff who took up the chain and that visitor no longer permitted into building)
A few prisoners have made improper comments and sounds directed at a female staff member
Yes, but only through word of mouth, past staffs' stories
Not of staff
Prisoners like to flirt with female staff members during meal time
Yes, on 3 different occasions staff members have been caught participating in sexual acts with prisoners. I do believe that there are more cases though.

Yes. I have heard of and seen staff and prisoner "get together" and prisoner to prisoner "get together"
Yes a former corrections officer coerced a female prisoner to engage in intercourse. He was court martialed (2004)
Yes, inmates force.
Yes - at a civilian prison
Several female prisoners experienced sexual abuse by staff and inmates
Female prisoner talked into sexual relationship with male staff member
Not to staff, but there has been occasions where a staff member had sexual relations with a prisoner at the golf course (prisoners cannot give consent)
Yes. Staff to prisoner in exchange for favorable [can't read word] and attention.
Rumors only, not proven truth

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APPENDIX J: PRISONER RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING KNOWN INCIDENTS OF SEXUAL HARASSMENT AND/OR SEXUAL COERCION OF SOMEONE ELSE

Table 30. Prisoner Responses to Open-Ended Survey Question Regarding Known Incidents of Sexual Harassment of Someone Else

Yes, another prisoner showed his penis at female prisoners during choir practice.
Yes, inappropriate gestures and comments.
Yes, I witnessed the same staff member who harassed me harass other prisoners. The guard continuously asked other prisoners if they would like to watch him have sex.
Yes, during visitation after being supervised by several guards we are still subject to strip searches.
During mealtimes, males make comments to the females serving food.
In the galley, I see a lot of the galley workers and security staff talking to the female prisoners and also making comments.
Yes, the female inmates make passes at male guards oftentimes then some, the guards go along as if they don't notice and vice versa.
Yes, I saw and heard a male staff member saying nasty stuff and winking at a female prisoner.
Yes, I know a gay prisoner who flirts openly. I also knew of male guards groping female prisoners and going as far as having sex with them.
Yes, numerous times a certain person would physically touch other prisoners unwantingly.
Certain gestures made from staff to prisoner, jokingly acting gay to them.
I've had supervisors making lewd comments about a prisoner's sexual orientation.
Yes, amazingly it was from females and was directed towards both male and females.
Yes, advancements by staff and other prisoners.
Some guards do flirt with the prisoners.
I've often witnessed staff harassment of gays in the dorm.
Yes, girl to girl, guy to girl, girl to guy.
Yes, A few female prisoners were being sexually harassed by a male prisoner. He was showing his gentiles to them.
Yes, sometime ago one of my friends told me that another female followed her to the bathroom and tried to kiss her. She didn't say no, so she went along with it. Days later she told the other female not to do that anymore.
Homos will often willingly entertain their sexual desires.
Yes, I've seen many men making comments and gestures toward women and even men.

Yes, I know a female who was a line server. A male prisoner would come through the line everyday and try to talk to her when she didn't feel like conversing. She was serving meatballs as she was serving him. He made a moan and commented about the "balls" as if they were genitals.
Yes, female prisoners by male staff and other females and male prisoners. Female staff making rude comments to both sexes.
Staff telling women that they can't do certain jobs. Staff sitting or talking with women (illegible) where telling the men (illegible) that we can't do that. Male staff telling women prisoners to bend over and grab their ankles.
Yes this guy I know was a homo cellmate.
Yes, male prisoner exposing himself to at least 2 females. Male staff who approached women with promises. Female prisoners harassing other females in the dorm for sexual favors.
Yes, mostly female prisoners but a few males, mostly by other prisoners.
Yes, I have seen and reported sexual contact that was repulsive, forcible sodomy.

APPENDIX K: STAFF RESPONSES TO OPEN-ENDED QUESTION REGARDING WHETHER OR NOT INCIDENTS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT CAN BE REPORTED WITHOUT FEAR OF REPRISAL

Table 31. Staff Responses to Open-Ended Survey Question Regarding Whether or Not Incidents of Sexual Harassment or Sexual Assault Can Be Reported Without Fear of Reprisal

Yes. We have a voluntary statement program that can go straight to the C.O. for inmates. The staff however can tell the aggressor to stop or even report it and it will be investigated.
Yes. It's good to go.
Yes. No explanation.
No. No explanation given.
Yes. All have access to 1-800 hotline.
Yes, there is plenty of people you can go to to get help
Don't know
Yes. No explanation.
No. In most cases there will be some negative effects from higher ranking personnel
Yes, but the individual may feel uncomfortable.
No there is always at least one person that will want some kind of reprisal
Yes, if offender is dealt with properly and accordingly. Zero tolerance.
Yes, upper chain of command gets involved so this does not happen
Yes, the command takes a strong stand against reprisals.
No. This command worries more about prisoners' well being than staffs'
Yes if supported by the command
yes in the military we have a system that protects the victim, if the harassment/assault reported is truthful
Yes, the command's policy is zero tolerance
No, social stigma, or "machismo"
Yes, privacy act
Yes. Training in the last few years has helped commands report sexual harassment without fear of repercussions usually handled confidentially & quickly.
Yes it can be reported; this command is easy to approach
Yes, because you can be protected
Not here, it's a prison.
No, they don't want it to get worse (there are hardly any punished).
Yes, the command supports and enforces rules against sexual harassment
Yes and no. Someone who has been sexually harassed or sexually assaulted will always have fear in them. But I think if reported and they are assured that the person who has harmed them will be put away they will [have] a sense of security.
Possibly

At this command, yes. I trust that the chain of command will take seriously any allegations of sexual harassment or assault.
No everyone will find out eventually.
yes but the report will likely slip out and become fodder for the rumor mill
In some cases yes, in other cases no. It depends on who did the harassing and who got harassed. The command plays favorites.
No. This command believes the prisoners more than the staff. The prisoners here can accuse staff (even if they just make up the story) and the command (80%) will believe it. But if the staff will accuse the prisoner, there is little chance the command will believe it. [Put it this way]...the opinion of the prisoner is more powerful than the staff here.
maybe. Hard to report because there are always consequences that are difficult
Yes because it is taken more seriously now
CO's no reprisal/zero tolerance policy for sexual harassment. Staff / prisoners briefed on CMEO, SAVI and reporting procedures
Yes, our command is very good on proper investigating and privacy
Yes there are avenues to report incidents
Yes. To correct problem in the future ... [unable to decipher exactly what's written]
Yes. Systems are in place and the methods to use them are published as well as being disseminated through training
Yes a female prisoner complained about a remark made by a male prisoner in the galley and it was investigated and he was spoken to.
No. There is always fear of reprisal either real or imagined
No they aren't
It can be as long as the person reporting is kept anonymous
No there are people out there with no morals and self respect
No. People are afraid of what will happen. Also, if there is a conflict with rank it might look like the higher rank might get away with it.
yes the chain of command is on top of this issue
yes in the military I see no reprisal
Yes, it's a crime.
No. People are afraid of losing their jobs or respect from superiors and coworkers.
Yes. They hammer the staff.
No there is always rumors with staff and prisoners
Yes We give a good training on sexual harassment and fraternization at the brig
Yes. People should get over their fears of being subjected to ridicule.
No, someone always finds out and in a confined setting ... word travels fast. Some people blame the victim
Yes, I have faith
No people don't want to go through the heartache of the reporting process and a criminal trial.
Yes, policies in place
Yes, though I believe true privacy about the matter is unlikely. I think that when it's a prisoner victim of staff misconduct, there's a much higher chance that some staff will make comments and perhaps unfairly treat the victim for "getting him in trouble."
Yes open door policies of critical staff - LPOs, LCPOs, Counselors, etc.

Yes I don't think the barrier would be fear of reprisal as much as fear of the rumor situation since this is a small enclosed community. (Word travels fast, especially amongst prisoners)
Yes because the military and society take it much more serious now
Maybe. Every situation can take on a life of its own.
Yes, if staff and prisoners are appropriately trained I believe prisoners and staff could come forward. Prisoners may feel less safe to come forward however, because fear won't be believed or nothing will be done by staff. Prisoners need to know something will be done if they choose to report. (i.e., report taken or counseling provided.)
Yes. The command climate today is different than it was 10 or even 5 years ago. There is also better understanding and willingness of command staff to recognize and deal with sexual harassment and/or assault
yes, you should be able to talk to some in a confidential matter. If the person works with you, you should be granted military protection order (MPO) and job change for safety purposes.
Yes, because they are seriously implemented.
Yes, when reported to proper authority
No, probably rank has to do with it.
Reporting it will usually make it seem the suspect is already guilty
Yes, have been in the past without reprisal.
Yes, because it is not tolerated here.
Yes, because it's private when reporting it
Yes, the command is very receptive to hearing complaints and taking action on them. Within the last 2 years a couple of staff members have been punished because of inappropriate contact with prisoners.

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APPENDIX L: PRISONER RESPONSES TO OPEN-ENDED QUESTION REGARDING WHETHER OR NOT INCIDENTS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT CAN BE REPORTED WITHOUT FEAR OF REPRISAL

Table 32. Prisoner Responses to Open-Ended Survey Question Regarding Whether or Not Incidents of Sexual Harassment of Sexual Assault Can Be Reported Without Fear of Reprisal

Depends on what the effects of the assault are. If significant then no, because of reputation and or hearsay and slander.
Sometimes, but I believe that some incidences have been blown off.
No, some staff are informed of every grievance against them and retaliate against the prisoner who filed it.
No, I've reported numerous causes of sexual assault and my statements have been thrown out because prisoners have no credibility compared to guards.
No, I recently made a voluntary statement about a staff member who sexually harassed me. He was given the signed voluntary to read and then it was thrown away. He has since brought up the voluntary to other prisoners.
Maybe against another prisoner, but not against staff. They would be more likely to inform the staff member that the person reported him for it.
No, snitching is not something you do in the brig. There is no such thing as confidential.
Yes
Yes, because everything is kept confidential.
No, the system at this facility only temporary punishes someone for it and they don't take it serious, especially if a male is sexually harassed by male or female.
No, because any violation of any rule can result in a DR or OR.
No, because if you're a male, you don't want to be scrutinized or better yet considered lying. Point is as a prisoner, you have a sentence to serve in a facility, so fear will always be of issue. They (guards) can't monitor you at all times. Guards and staff also are just like inmates only they haven't been caught for their wrongdoing.
Yes, once again the perp should never have access to the victim again. And the victim needs to know that there are rules and protocol in place that will protect them.
It depends on the person; everybody is different.
Depends on the person. For me I would instantly report it with no troubles.
In some cases yes, depending on who the sexual assaulter or harasser is.
No, because people will look at you differently because of what happened to you.
Does it matter? The victim is already in prison. What else could be added to make it worse? Give me a break.

Yes
No, because no matter what you say or do, the guards are always right and you will get in trouble.
Depends on the perpetrator. Usually reports can go without fear.
Not in all cases.
Yes, because that's just the way it is.
No, they are too shaken up or are scared to report it.
Depends on many factors, who you are, are you will liked, are you reporting the staff or another prisoners.
No, the remaining staff will treat you badly. I've seen it happen
There shouldn't be fear, however everyone should clearly understand that false accusations will be handled in a very serious manner.
Yes, you have to overcome your fears if you want them to get in trouble or if you want the situation to be dealt with by the proper people.
No, because the staff talks and they'll tell each other then that certain staff will harass you and write you up for every little thing.
No, because I have reported S/H and caught flack from PR as well as staff.
Yes, because once it's reported the situation would be investigated and the person accused would be separated from other party.
No, because it happened to me. I was gossiped about by staff and prisoners and told so by certain staff members whom I believe told me because they cared about me as a person and the effects of the gossip. I would NOT report any harassment today.
No man would admit to that shame.
No because this facility does not recognize the victim as such, but instead infers impropriety on both individuals.
No, if a person snitches, he's not removed from the area that the harassment or assault took place, therefore it could continue.
No, there's always reprisal. It's PRISON.
Yes, because the staff and ourselves don't want it to happen.
Yes, as far as I know incidences are investigated by staff and acted on.
Yes, not many brass want that problem on their watch
Yes and no. You might not get reprimanded but then again you might get reprimanded for provocation or something else dumb.
Yes
No, because in prison your word rarely doesn't matter and the system will trust another guard before you.
No, coming out and saying something to someone else will be scary because they might think nothing will be done. They might have been threatened during the time of the

engagement or even might fear for their lives. Also might feel that they will be treated different if they were to tell.
No, the staff here has way to many leaks.
Yes
No, there is always reprisal. If you're involved, (illegible) on the harassed side, people will always feel different around you., You were threatened/assaulted, and no one really knows what went on. So always some kind of reprisal whether intentional or not.
Yes, because of the voluntary systems.
Yes, the staff do not want this brig to become a violent place so they will stop the abuse if it is reported.
No, there is no one we can trust in.
Yes, you should be ashamed of what happened.
Yes, there is always someone higher.
Yes, like I said the brig has ways in dealing with these things. If you harass someone you will be in solitary confinement if found guilty by the members of DRB.
No
As of now, yes, because the brig seems to take the matter seriously.
No
Yes
No, because you are in prison and it could get dangerous.
No, most staff members don't care and will not pursue the issues.
No, probably too embarrassed to report the offense
No, because here prisoners are not believed.
Yes, they will take care of it.
Mostly yes, some may feel some sex harassment may not be taken seriously by some staff – very low percentages.
Yes, the only backlash would potentially be from a prisoner.
Don't know.
No, because we spend all day with these people and the guards can't watch everyone all the time.
Sometimes
Yes, but sometimes the individual reporting the incident needs to be removed from the area he or she is currently in.
No, further reprisal from other prisoners. No one wants to be labeled a snitch.

No, in my experience being sexually harassed is embarrassing and awkward. Some people are effective in being confident and honest, but a lot of females don't want to seem like they are trying to draw attention to themselves by claiming something they can't prove, when they think it's not that big of a deal anymore. It happens so often, and you feel if you say something to the harasser, people will begin to dislike you and think you're just hard to get along with.
No, because somehow your identity will be revealed.
No, the staff spreads rumors and divulges just as much information as the prisoners. Everyone always knows who reported what.
Yes
Yes, the voluntary system works.
Yes and no. Yes, because the behavior will stop. No because you'll be labeled as a snitch.
No, fear of getting in more trouble.
Yes
Yes
No
No
No, reporting it could escalate future incidences
Yes, because that's what deseg is for, or transfers.
In most cases, yes. However, it depends on the reliability, reputation and integrity of the specific staff member. It truly is a decision based upon whether there will be reprisal or perhaps it will be brushed off as a false accusation.
Yes, voluntary.
Don't know
No, no one likes a snitch.
Depends on the staff. Some people can acknowledge their terrors and (illegible) what they have to do. Others retaliate when their (illegible) or mistakes are pointed out to them.
Have never heard of one reported. Hopefully they would keep the offender away from the victim.
Yes, there is nothing stopping you to report what happens.
No – backlash from prisoner population “snitch”
Yes, if the name is not brought up and the person who did it is removed away from the victim.
Yes

Yes, I can kite anyone I want.
Yes, because.
Yes, they can but no action is taken if a staff member is being accused, such as in the case mentioned above.
No
Yes, some staff can keep a secret.
Yes, it's against policy or law to reprise victims.
Prisoners do not have confidence in the staff because the staff could care less about prisoners. They may say they care but truthfully they have no integrity.
No. Often times you get looked at or treated differently. Even other prisoners are allowed to give you a hard time if we report it to our case manager or counselor we are easily told "be the bigger persona and ignore it."
Yes
No, this brig subjects people who report injustices to (illegible) thinly masked at best.
No, because staff do not take it seriously around here.
No, I do believe all complaints result in reprisal.

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APPENDIX M: STAFF RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING INCIDENTS OF SEXUAL HARASSMENT EXPERIENCED BY THE RESPONDENT

Table 33. Staff Responses to Open-Ended Survey Question Regarding Incidents of Sexual Harassment Experienced by the Respondent

Nothing serious, just sexual in nature jokes. Also prisoner and staff would come on to me by saying they would "f" me. But once again I didn't take offense to it. It would make me laugh at them and then turn into a joking situation.
Asked me to go around the dark corner. She told me to close my eyes and relax my lips. So I did it since she was an officer. Next thing you know we were doing things.
The prisoner was asking personal questions and sexual affiliation, she stated that I should "get with some girls"
They would make gestures or comments. A female working in an all male prison is almost expected to have something of that nature occur.
Looking me up and down, comments, things of that nature. They can't help it.
Sexual comments to me / about me. I would've liked to do something, but would've probably ended up being the one standing in front of the CO
Female prisoner made sexual comments and gestures about what she would do if she was on the outside
1 instance involved verbal sexual language; 1 instance involved physical intimidation of sexual nature (cornered me)
During an inappropriate counseling, my leader began massaging my shoulders and back and talking dirty
Just comments about how I smell good - kissing noises (cat calls) etc
Both incidents prisoners spoke in a sexually explicit manner

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APPENDIX N: PRISONER RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING INCIDENTS OF SEXUAL HARASSMENT EXPERIENCED BY THE RESPONDENT

Table 34. Prisoner Responses to Open-Ended Survey Question Regarding Incidents of Sexual Harassment Experienced by the Respondent

Inappropriate contact and words.
Someone pulled me into the back storage of the galley and asked me to sleep with his wife while he watched. He said if I wasn't comfortable I could watch him start. It was weird because he was intoxicated and his wife wasn't there.
Staff was making unwelcome comments and sexual gestures
During in-processing while conducting a strip search, the guard commented that my chest and pubic areas were trimmed. He said that I must be trying to make a good impression. All of this was in front of my friend and a co-worker.
Made references as to the age of a female I would like, or the type or race, to have sexual relations with.
I was being harassed because I was convicted of molestation and he somehow got that information and used it to harass me, not the first time this happened.
Comments about sex and sexual advances plus touching in unwanted places.
Said female constantly makes sexual innuendos and gestures towards me and plenty of others (male & female). The only reason I get uncomfortable is I don't want the staff to think I'm involved with her. Otherwise I could just laugh it off.
A male prisoner here as a sex offender exposed himself to me along with 2 other females.
I was standing in line on the way to chow and a prisoner smacked my bottom while she was walking by. And I told her is she touched me again I was going to report her.
A male prisoner exposed his penis to me, stroked it and later told me that he wanted to f*ck my p***y and that I should have touched him.
I got raped
Another prisoner, known to be bisexual at least, put his hands on my shoulders from behind while I was sitting down as he made lewd comments and noises.
Comments [were] made.
I've had males make sexual innuendos at me.
Passing by while on a walking pass a male grabbed my chest.
There have been several male prisoners who have made comments I don't care for. It seems that since they're not having sexual encounters they need to talk about it all the time. I usually just ignore it as best I can or try not to think about it. The staff member involved kept asking persona questions about my sexual interestes. He made me jittery and embarrassed with he must have seen, because he never talked to me much after that. He was in the galley and I was working in the scullery. He started asking what "age group" I like my men and if I liked older guys. He commented that my husband must not

be taking care of me. That was most of it and a little commenting about how I needed to eat more because I was skinny. Perhaps more general harassment than sexual, but god knows what he would have said if I was willing to go further into the conversation.
Ridicule about my offenses. Chilli Mo.
Touching while I fell asleep.
I was approached by a known gay individual and was told that he liked older white men. He said he wanted to de-virginize my ass and then said he would take it if I didn't want to give it up.
Two people made comments while doing a strip search.
Unwanted flirtation, sexually crude and explicit comments from male prisoners to male and female prisoners. Unwanted flirtation, sexually crude language from females to male prisoners.
Gay sex talk.
I was asked to tape record my masturbations so they could be analyzed and then I had to present it to a group of 10 people so they all could listen to it. I'm also often asked questions about my sexuality, very private ones, that have nothing to do with my offense.
At work there were comments made and touching in my stomach area. Galley and gym, comments and gestures, and just plain 'ol staring.
Was touched and asked to perform sexual favors.

**APPENDIX O: STAFF RESPONSES TO OPEN-ENDED SURVEY
QUESTION REGARDING THE EFFECTS OF INCIDENTS OF
SEXUAL HARASSMENT EXPERIENCED BY THE RESPONDENT**

Table 35. Staff Responses to Open-Ended Survey Question Regarding The Effects of Incidents of Sexual Harassment Experienced by the Respondent

Tend to stay away from female prisoners whom are known to be lesbians and aggressive
Don't get very involved in conversation with prisoners anymore
I am angry toward prisoners all the time

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**APPENDIX P: STAFF RESPONSES TO OPEN-ENDED SURVEY
QUESTION REGARDING WHO THE RESPONDENT INFORMED
REGARDING INCIDENTS OF SEXUAL HARASSMENT
EXPERIENCED BY THE RESPONDENT**

Table 36. Staff Responses to Open-Ended Survey Question Regarding Who the Respondent Informed Regarding Incidents of Sexual Harassment Experienced by the Respondent

Write-ups [of prisoners]
Her quarters supervisor and LPO
Told squad leader

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APPENDIX Q: PRISONER RESPONSES TO OPEN-ENDED SURVEY QUESTION REGARDING WHO THE RESPONDENT INFORMED REGARDING INCIDENTS OF SEXUAL HARASSMENT EXPERIENCED BY THE RESPONDENT

Table 37. Prisoner Responses to Open-Ended Survey Question Regarding Who the Respondent Informed Regarding Incidents of Sexual Harassment Experienced by the Respondent

I was new and one of the females told me I would be a snitch.
Who? There is <u>only</u> prevention, but never action for those in need.
It was a tasteless joke. Part of the wrap that I am going to have to accept. It's none of their damned business I didn't feel like discussing it with anyone. Reprisal Fear I would get in trouble Because I was secure to myself that if it happened again I would physically hurt the other prisoner than tell what happened. Thought it wouldn't do anything. Brig atmosphere does not really allow it. General feeling is that prisoners are sub-human and lie all the time to make life difficult for staff. So then who is there to tell? I can handle my issues and be assertive. No big deal Because I'm almost certain nothing will be done. They just say this is the way it is done; it's for medical purposes. I didn't say much because I was afraid of reprisals if I pushed the issue.

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